PAPERS
DELIVERED IN BY THE COMMISSIONERS Of the Kingdom of SCOTLAND AT LONDON,

To the Honorable Houses of the PARLIAMENT of

ENGLAND:

Containing,

1. *Their Answer upon the whole Propositions of Peace.*
2. *Reasons touching the* Militia.
3. *The Citations of severall passages out of the Declarations of the Honourable Houses concerning the* Militia, *and* Uniformity in Religion.
4. *Reasons why the Result of the Committee of both Kingdoms at* Edinburgh, 28. Novem. 1643. *is a Treaty.*

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UMI - 1

The first Paper delivered in to the Houses of Parliament by the Commissioners of *Scotland*.

Containing their Answer to the whole Propositions of Peace.

HAving considered the Answer of the Honourable Houses assembled in Parliament, of the tenth of April, to our last Paper of the sixth of April: and having to our former Paper of the sixteenth of March (expressing our consent to a great part of the Propositions for Peace, agreed upon by both Houses, together with our dissent in some particulars, with the reasons thereof, unto which we desired satisfaction) received no other Answer, but that the Houses thought fit to adhere to their former resolutions, and again to desire our concurrence for the sending of them to the King: We have resolved by this our Reply, to give all possible satisfaction to the Honourable Houses of Parliament, for the happy ending of this unnaturall and unhappy War, and that we may leave this Kingdom in Peace, and our Armies, Garrisons, and our Selves may return in peace, and with comfort, to our homes and habitations.

We do both of us profess an earnest desire of Peace, and, for peace, of the speedy sending of Propositions to the King: And we do beleeve, that the Parliament may be sufficiently perswaded of the sincerity of our Desires, if they may be pleased, either to remember for how long a time, how frequently, and how instantly we have pressed this Point, and have not yet received all the Propositions which they desire to be sent; Or to consider the sufferings of the Kingdom of Scotland abroad and at home, since they first gave their assistance to this Kingdom, from which they long to be delivered by an honourable and happy Peace; and might have been long since delivered, if it could have agreed with their Covenant, Treaties, and Declarations for the good of their Brethren: Or to call to mind how much we have urged, that the former Propositions of *Uxbridge* agreed upon by both Kingdoms, might be sent to His Majesty, from our just apprehension of the difficulties which might arise from the new Propositions; and which we have represented in conference to

a Committee of both Houſes, with the reaſons of our different judgements in ſome particulars, conceived by us to be very materiall, and important for the good of both Kingdoms.

We have no delight to buſie our ſelves, or to be medlers in matters impertinent for us: There be ſome things which properly concern the Kingdom of England, their Rights, Laws and Liberties, which we deſire no more to meddle with, then with the Rights, Laws, and Liberties of other Kingdoms; and, according to our Covenant, will not only conſent unto, but endeavour the preſervation of them, as England by the like Obligation is bound to conſent unto, and preſerve ours. But there be other matters, which either in their own nature, as being common to both; or by Covenant or Treaty, concern both Kingdoms: wherein, unleſſe we would forget our Duty to God, to the Kings Majeſty, to our own native Kingdom, and to our Brethren, our common concernment and intereſt cannot be denied. Were this difference and diverſity rightly apprehended, it might free both the Parliament and us from the obloquies and imputations of ſuch undiſcerning ſpirits, as, notwithſtanding our Covenant, Treaties, and Ingagements, have no other thoughts of the concernments of the two Kingdoms, then they had before they entred into this Union and Conjunction.

We did not intend by our Paper of the ſixth of April, that the reſolutions of the Houſes ſhould be ſubjected to the Debates and Alterations of a Committee to be joyned with us: Nor were we ſo far miſtaken, as to conceive that both Kingdoms are bound to a joynt advice and judgement, in the preparing and molding of each one of the Propoſitions: But, becauſe *no Ceſſation, Pacification, or Agreement whatſoever for Peace, is to be made by either Kingdom, without the mutuall advice and conſent of both*, we conceive that one Kingdom may not ſend Propoſitions to the King, or finally determine upon Propoſitions to be ſent for Peace, without the advice as well as conſent of the other: For we beleeve the Ceſſation, Pacification, and Agreement mentioned in the Treaty, doth not onely conſiſt in the laſt Formality, or Solemnity of Peace-making; but alſo, and chiefly, in the materiall Propoſitions and Foundation, upon which the Peace is finally to be concluded; which once being propoſed, and agreed unto by his Majeſty, there can be no more queſtion of Pacification or Agreement, but, *ipſo facto*, a Peace doth neceſſarily enſue: For, as hath been clearly acknowledged in our late Letters to the King, the granting of the Propoſitions to be ſent, is the effectuall

means

meanes to give satisfaction and security, especially if desired and granted by way of Bill; which was unto us the finall security in the year 1641. Also the Peace is to be settled betweene the Kingdomes, as well as between them and his Majestie: And in our letter of the 13. of January to the King, we have both declared, That Propositions from both Kingdoms were to be sent to His Majestie, And that this was the only way for attaining a happy and well-grounded Peace. To this joynt Advice and Consent in the Propositions to be sent we conceive both Kingdoms are bound by Covenant, which runneth all along upon their joynt Endeavours, for Union against all dividing and separating wayes; especially for Union & Uniformity in the matter of Religion, as the chiefest, both Ground and Result of their other Conjunction. This joynt Advice and Consent hath been the constant and continuall Practice of both Kingdomes, in all their Treaties Demands, Answers, and Resolutions concerning Peace, ever since their mutuall Engagement; and particularly in framing and sending the former Propositions, as the joynt desires of both Kingdoms, united by Covenant for the common safety of both. Against this just course, His Majesties Commissioners, in the Treaty at *Uxbridge*, endavoured to divide the desires of the Kingdomes, which was then apprehended, resisted, and rejected by the Commissioners of Parliament, & by the Houses themselves, as a dangerous and destructive motion: Nor would the Parliament of England have been satisfied with the proceedings of the Kingdome of Scotland, their Army, or Commissioners, if they had sent Propositions of Peace to the King for themselves: Only alleadging for themselves, that, although they had sent Propositions of Peace to His Majestie, to obtain His grant therof; yet they never intended to conclude the Peace without Consent of their Brethren. In this therefore we refer our selves to the common Rule and Principle of Equity received amongst all men.

We might here have observed the difference between *Pacification* and *Agreement* whatsoever, betwixt *Advice* and *Consent*, and what these do import, in the 3. and 9. Articles of the same Treaty; and might have added many other reasons upon which we wil not now insist, but do earnestly desire and expect, that the Honorable Houses in their Wisdom, and from their Love of Peace, will finde out wayes for removing (in a Brotherly manner) the differences of Judgement about the Propositions to be sent; That, our reason being satisfied, we may all agree as well in the means as in the end.

Concerning the Preface, Title, and Conclusion of the Propositions, The matter of Fact doth not answer our desires, which are in Reference to Propositions to be sent from both Kingdoms, and not in reference to any Act depending in the Houses of Parliament; the nature whereof is such as cannot provide for the security of both Kingdoms, as was more fully expressed in our Paper of the fourteenth of August 1645. In answer whereunto the Houses of Parliament in their Votes of the eighteenth of that Moneth, did resolve to send Propositions and Bils to His Majestie: We do therefore desire, the Houses may agree to the sending of the Preface, Title, and Conclusion of the former Propositions, or, at least, that they may be to that sense.

As to the four lines in the front of the Propositions delivered unto us, It is true, that the distance of the writing of them to the first Proposition, made us to conceive them to be no part of that Proposition, but a Preface to the whole; nor could the matter of these lines lead us to another interpretation thereof: But since they are intended by the Houses as an introduction to the first Proposition, we do agree that there be an introduction; only we desire it may be considered, that the words, as they now stand, do hold forth, That both Kingdoms were necessitated to undertake this war for their own defence; whereas the Kingdom of Scotland did ingage with their Brethren of England, & undertake this war for the ends expressed in the Covenant, before which the invasion of Scotland was only looked upon as a probable consequent, if the Malignant Party had prevailed in England. We do therfore offer these, or the like expressions, for an introduction to the first Proposition:

Whereas both Kingdoms, now united by solemne League and Covenant, have been necessitated to undertake, and prosecute a just and lawfull war: Or, *Whereas both Houses of Parliament have been necessitated to undertake a war in their just and lawfull Defence, and afterwards both Kingdoms, united by solemne League and Covenant, were engaged for the ends therein expressed to prosecute the same.*

The Introduction to the first Proposition being thus altered, and these words [*Parliament of that Kingdom*] added to these words [*The Convention of Estates*] as is alreadie consented unto by the Houses: We do agree to the first, second, third, and fourth Propositions. Concerning the fifth and sixth Propositions; As the matter of Religion, by reason of the necessity and incomparable Excellencie thereof, deserveth the first place, and before all other matters

to

to be considered; So hath it been alwaies, in all our undertakings, the prime and chiefest of our intentions and desires, and in all our actions and sufferings our greatest comfort and encouragement; and which being established according to the Covenant, we are very confident to give and receive satisfaction in all other matters, and without which the Church and Kingdom of Scotland, having been from the corruption of this fountain overwhelmed with a deluge of miseries, although they had all things beside, cannot be satisfied, nor think themselves secured. And we confesse, that it *is* to us, and to that Church and Kingdom no small matter of sorrow, that after so solemn a Covenant, and so many Protestations and Declarations, the Reformation of Religion should so long stick, and be so much obstructed in this Kingdom, which we hoped in the beginning, when both Kingdoms entered in Covenant, should long before this time have been not onely established here, but propagated also to other Nations, groaning under, or in danger of the yoke of Anti-christian Tyranny; and which, upon the appearing of the light, and the new dawnings of the day in this Island, were beginning to lift up their heads, in expectation of their deliverance and comforts.

We do therefore desire particularly and explicitely, to know the Articles of Reformation, and Uniformity of Church-government, contained under the generall Propositions; all of them after much debate, being long since offered by the Assembly of Divines unto, and a great part of them resolved upon by both Houses, which may also within a short time resolve upon the remnant. By this mean, we shall proceed the more distinctly and assuredly; and these Articles formed up in a modell, may be considered and granted by the King with the clearer knowledge, which is very necessary, not onely in other Propositions, which are framed as particularly as may be, but also, and especially in the matter of Religion.

This was the Course approved and observed at the Treaty at *Uxbridge*, where so much as was at that time prepared for setling Religion was presented. If we should, without the knowledge of particulars, rest upon the generall Proposition, Peace might be setled without the setling of Religion, except in so far as by the Kings consent, the Power of Reformation is to be in the Houses, and Uniformity of Religion is placed in the Parliaments of both Kingdoms; which doth not answer our Covenant, binding both Kingdoms to the exercise of their Power, by their Endeavours, in the particulars therein specified. Nor will this generall give satisfaction

to

to any of the Reformed Churches, especially to the Church of Scotland: Nor will it be able to cure the present distempers of Religion in the Church of England, which call for a present Reformation, nor secure them or us from altering of that which is already ordained, nor be any recompence of the many labours and sufferings, and the much expence of Treasure and bloud in this Cause.

Having perused the severall Ordinances, Directions, and Votes of the Honourable Houses concerning Church-government delivered unto us, which we conceive will be the matter of the Propositions of Religion, and in this sence only we speak to them; We do agree to the direction for the present election of Elders, to the subordination of congregationall, Classicall, Provinciall, and Nationall Assemblies, and to the direction concerning the members of which they are constitute, and the times of their meeting: Only we desire, That no godly Minister be excluded from being a member of the Classicall Presbytery, nor any godly Minister, having lawfull Commission, from being a member of the Provinciall and Nationall Assemblies, there being the greater need of their presence and assistance in such Assemblies that there are no Ruling-Elders to joyn with, and assist them. And we desire that a fixed time be appointed for the ordinary meeting of the Nationall Assembly, with power to the Parliament to summon them when they please, and with Liberty to the Church to meet oftner, if there shalbe necessary cause; the ordinary meeting thereof being most necessary for preserving Truth and Unity in the whole Church, against the Errors that may arise and multiply in the Church, and against the Divisions and Differences that may distract the inferiour Assemblies of the Church, and for receving and determining Appeales from Provinciall Assemblies, which otherwise will be infinite, and lye over without determination; and, the exigence of Religion sometimes being such, that it will require an extraordinary meeting: we agree to the rules and direction concerning Suspension from the Sacrament of the Lords Supper, in cases of Ignorance and Scandall: Only we desire that the Congregationall Elderships may have power to judge in cases of scandal not enumerated with liberty to the Person grieved to appeal, as in other Reformed Churches. This we conceive to be a Power no more arbitrary in this Church, then in them who are limited by the rules expressed in Scripture, and do exercise this their power with such moderation, as is a comfort, help and strengthning of Civill Authority. The appointing of Provinciall Commissioners,

such

ſuch as are appointed in the Ordinance, will miniſter occaſion to ſuch Debates and Diſputes in this and other Churches, as will be very unpleaſant to Parliaments and Civill Powers, will make a great diſconformity betwixt this and other Churches, and a preſent Rent and Diviſion in this Church, is ſuch a mixture in Church-Government, as hath not been heard of in any Church before this time, may prove a foundation of a new Epiſcopacy, or of a High-Commiſſion; and the Work may be better done by the Aſſemblies of Miniſters and Ruling Elders, who have this in their Eccleſiaſticall Charge; and will be no leſſe tender of the Honour of the Parliament, by whoſe Lawes they live and are protected, and as able and willing to give juſt ſatisfaction to the People, whoſe Conſciences and Converſation are beſt known unto them, as any other perſons whatſoever. Concerning the Suſpenſion of the Miniſters themſelves, although ſcandall, in them deſerveth double cenſure, yet we conceive it to be moſt agreeable, that they have their Cenſure from the Claſſicall, or other Superior Aſſemblies of the Church, where there be Miniſters to judge them. We doe alſo agree to the Ordinance of Ordination of Miniſters, onely we deſire it may be provided that it ſtand in force for all time to come: And therefore it may be conſidered, whether the two laſt Paragraphes of the Ordinance doe not belong to the Ordination, which was extraordinary, and *pro tempore*.

There be other matters contained in the Ordinances of which ſome are touched by the Commiſſioners of the Church of Scotland in their late Remonſtrance, March 26. given in to the Houſes: Such as the manner of Subordination of the Aſſemblies of the Church to the Parliament, ſo much ſubject to miſtake the ſeeming exemption of ſome ſorts of perſons from the juſt cenſures of the Church; The miniſtring the Sacrament to ſome perſons, againſt the Conſcience of the Miniſtrie and Elderſhip: Concerning publicke Repentance, to be only before the Elderſhips, and ſuch like, which may be taken into conſideration, and with ſmal labour and alteration be determined to the great ſatisfaction of many. As for the remnant concerning the perpetuall Officers of the Church, and their Offices, The Order and Power of Church Aſſemblies, The Order of publick Repentance, and of proceeding to Excommunication and Abſolution, we deſire they may be agreed upon according to the Covenant, and Advice of the Divines of both Kingdoms, long ſince offered to both Houſes: which being done, they may be preſently drawn in a Method, and formed up in a Modell of Church-government in

UMI - 1994

three dayes, to the quieting the mindes of all the Godly, concerning the particular meaning of both Kingdomes in the matter of Religion, to the great content of the Reformed Churches, and which will both make us distinctly to know what we demand, and the King, what He doth grant.

Concerning the Clause for ratifying the Acts of the Convention of Estates and Parliament of Scotland, alleaged to be set downe in too generall Termes; The chiefe thing we desire in that Article, is, That the Convention of Estates and Parliament may be ratified, because the Authority of them hath beene questioned by the King. And it may be remembred, that we did heartily joyne with the Houses, in denying to treate with His Majestie, untill He acknowledged this Parliament. As for the Acts of the Convention and Parliament, the most materiall of them are for levying Men and Money, for the assistance of this Kingdome, and the Kingdome of Ireland, and our own Defence at home against those Rebels that invaded us for our engaging in this Cause: of which Acts we are willing to deliver in a List to the Houses.

As concerning future Acts, although that was agreed to in the former Propositions, yet, that all scruples may be removed, we shall adde this restriction [And to such other Acts, for raising of Money, for payment of the publick Debts and Damages of the Kingdom and other publick Uses and for disposing of Dilinquents Estates, as shall be hereafter agreed on by the Estates of Parliament] Upon which Considerations we are confident the Houses will rest satisfied with the equity of our Desires concerning this Clause, which being added, we do agree to the 7, 8, 9, 10, 11, and 12, Propositions.

As to the difference about the 13. Proposition, we hoped we made it sufficiently appeare to the Committee of both Houses, That the transactions at Edinburgh 28. November 1643. are a Treaty It being evident from the credentaill Letters given to the Commissioners of both Houses, That they had full and ample power to Treat, agree, and conclude, Articles being mutually agree upon, to satisfie the demands of a starved Army, and by their stay to preserve a Kingdom from ruine. These Articles being confirmed by the Houses, and the Votes of the Houses delivered, as their consent to that Treaty; And the Kingdom of Scotland desired therupon to co-operate with them for the stay of that Army, great supplies of Moneys and Provisions being advanced upon that Agreement by the Kingdom of Scotland, and thanks returned to them for the same by the Houses: Also assu-

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rance given by their Letters, that they had ratified the ſeverall Treaties between the Kingdoms: In all which, we truſt the Houſes will receive ſatisfaction from the Reaſons given at the Conference, and other grounds ſince diſcovered, which we have thought fit to ſet downe in a Paper annexed: And if any further ſcruples or doubts ſhall ariſe, which have not been anſwered, we are ſo far perſwaded of the truth and reality of that Treaty, as we are confident to clear and remove them upon a friendly debate.

We have hitherto debated whether that agreement made at *Edinburgh*, 28 *Novemb.* be a Treaty or not; But no conſiderations have yet been offered what inconvenience there might be to the affairs of *Ireland*, by reaſon of any particular in that agreement, wherein as the Kingdome of *Scotland* muſt be carefull of the good and ſecurity of their Forces in *Ireland*, ſo will they be alwaies tender of what may be for the good of the affaires of the Crowne of *England*; and clearly manifeſt that they have no other ends before them, but the unanimous & effectuall proſecution of that War, which ſhall be no ſooner ended, nor the Army ſatisfied and diſmiſſed, but they will, with all readineſſe and cheerfulneſſe, recall their Forces out of that Kingdom.

As to the firſt part of the 14. Propoſition, we deſire it may ſtand as formerly, for the Reaſons afore-mentioned: And as to the laſt part, we ſtill deſire that all the Articles concerning the ſetling of Religion in this Kingdome may be extended to *Ireland*, becauſe we are bound by our Covenant to endeavour Reformation in the Church of *Ireland*, and to bring the Churches of God in the three Kingdomes to the neereſt Conjunction and Uniformity in Religion; and becauſe the name of Proteſtant Religion is ſo generall, as many Sects and Hereſies make claim unto it.

The 15. Propoſition we have not yet received.

The 16. and 17. Propoſitions are agreed upon.

As to the 18. Propoſition, we deſire that the *Militia* may be ſo firmly ſetled, as neither the King, nor any other, be able to diſturb or infringe the Peace now to be agreed upon: And although it be our judgement, that the former Propoſitions are a more firme Security for conſerving the Peace, and a ſtronger Band of Unity betwixt the Kingdoms then the new, and are therefore deſirous the Houſes would be pleaſed to ſend the former; which being granted by His Majeſty, we think the *Militia* perfectly ſecured, and that the War ſhould not be continued by inſiſting upon the new Propoſitions; Yet, leaſt our diſagreement herein with the Houſes, ſhould be a hinderance to the

ſending of Propoſitions, that we may teſtifie how deſirous we are, ſo far as in us lyes, to give the Houſes ſatisfaction, and how much we value the ſpeedy ſetling of the Peace of theſe Kingdomes above our own intereſt; provided that it be underſtood to be without prejudice to the right and intereſt of the Crowne, which we underſtand to be conjoyned with the reſpective Parliaments in the *Militia* of both Kingdoms, and not to be abſolutely in the *King* himſelf; and that the *King* and his poſterity be not totally excluded, and rendred incapable to concurre with their Parliaments, for protecting of their Subjects, and oppoſing the enemies of the kingdoms; and provided that it be without prejudice to the ſeverall Treaties between the kingdoms: VVe do conſent that the power, exerciſe, and managing of the *Militia* in each kingdome, be ſetled in the Parliaments of either kingdome reſpectively, for ſuch a time as ſhall be mutually agreed upon; And after extirpation of that Term, That the *Militia* be ſetled and exerciſed, in ſuch manner, and by ſuch waies and means as ſhall be agreed upon by his Majeſty and the Parliaments of either kingdome reſpectively, whereby the power of the *Militia* of England and Ireland, which by the former Propoſitions was in Commiſſioners of both kingdomes, will be in the Houſes of Parliament; The people will be ſecured from all apprehenſions of danger, by reaſon of the late Troubles; And the *King*, who is one of the three Eſtates of the kingdom, will not be for ever excluded from that juſt power and intereſt in the *Militia*, by which he may concurre with the Parliament in defence of the kingdome. And the Propoſitions for the *Militia* being thus qualified, we do agree to the 18. Propoſition, and the two firſt branches thereof. To the third branch of the *Militia*, for conjoyning the Forces of both kingdoms, we cannot agree; in regard, as it is now conceived, it may import (as we declared at the Conference) that after the Peace is ſetled, one of the kingdoms may ſend Forces into the other, without the advice and conſent of that kingdome to which they are ſent. And further, it is defective, in that there is no proviſion made therein for joyning the Forces of the two kingdomes in the Intervals of Parliament. VVe do therefore deſire in ſtead thereof, in purſuance of the large Treaty, and according to the Votes of both Houſes of the 26. of March, concerning the Conſervation of the Peace to be ſetled betwixt the kingdoms, That Commiſſioners be nominated by both Houſes of Parliament, of perſons of knowne integrity, and ſuch as both kingdoms may confide in, for their faithfulneſſe to Religion, and peace of the kingdoms, who may have

have the power expreſſed in the large Treaty for that Peace, and who may meet as a joynt Committee with the Conſervers of the peace to be nominated and appointed by the Eſtates of the Parliament of *Scotland*, and have power to do as followeth:

1. *To preſerve the Peace between the Kingdomes and the King, and every one of them.*

2. *To prevent the violation of the Articles of Peace, or any troubles ariſing in the Kingdomes by breach of the ſaid Articles; And to hear and determine all differences that may occaſion the ſame, according to the Treaties; And to do further, according as they ſhall reſpectively receive Inſtructions from the States of the Parliament of* Scotland, *and the Houſes of the Parliament of* England *for the time, mutually to be agreed upon, and after expiration of that terme, from His Majeſty, and the Eſtates of the Parliament of* Scotland, *and the Houſes of the Parliament of* England, *reſpectively.*

3 *To conjoyn the Forces of both Kingdomes to reſiſt all forraign Invaſions, and ſuppreſſe any Forces raiſed within any of the Kingdomes, to the diſturbance of the publike Peace of the Kingdoms, or any of them, by any authority under the Great Seale, or other Warrant whatſoever, without the conſent of the Eſtates of the Parliament of* Scotland, *or their reſpective Commiſſioners in the Intervals of Parliament.*

And for the full ſecurity of theſe Kingdoms, as well from forraign Troubles as Inteſtine Inſurrections; We deſire, according to the Propoſition formerly agreed upon between the Kingdoms, The making and concluding of Peace or War, The making of a Truce or Ceſſation, or any Treaties for the ſame with Forraign Princes and States, may be with the advice & conſent of the Parliaments of both Kingdoms of *Scotland* and *England*, or in the Intervals of Parliament, the Commiſſioners for Conſervation of the Peace, and not otherwiſe. This is ordinary, and univerſally obſerved in all mutuall Leagues that are both offenſive and defenſive, though there be not a Covenant between them, which is the ſtricteſt tye of all others. It is alſo moſt neceſſary for the Peace of theſe Kingdoms, becauſe War made or denounced by any one of the Kingdoms againſt a Forraign Nation, doth make both Nations, by reaſon of their union under one Head and Soveraigne, to be lyable to the inconveniences of the War both by Sea and Land; and therefore it ought to be done by the advice and conſent of both: Or the Kingdome making or denouncing War to a Forraign Nation, without the conſent of the other, would be obliged to keep the other free from damage, and refund what loſſe

the other ſhall ſuſtain thereby. And whereas both Houſes have been pleaſed to alter the waies and means agreed upon between the kingdoms in the former 17. Propoſition, concerning the communication of their Councels: And whereas their Lordſhips have offered in their Anſwer to our Paper of the 6 of Aprill to give their conſent, that ſuch Propoſitions ſhould be preſented to the King, as we conceived to be for the good and ſecurity of the kingdom of *Scotland*; in regard of the great advantage which a kingdome enjoyeth by the Royall preſence and ordinary Reſidence of their Soveraign with them; and the great loſſe and prejudice which the other kingdome doth ſuſtaine through their abſence, by their not underſtanding the diſpoſition of their people, or condition of their affaires, but from the informations of others intruſted by the kingdome; beſides many other prejudices, better felt by the kingdom of *Scotland*, then can by us be here expreſſed:

We do therefore earneſtly deſire the conſent of the Honourable Houſes, for ſending to his Maieſtie a Propoſition, That the *King* and the *Prince*, and after them their Heires and Succeſſors, ſhall at leaſt one year of three reſide in *Scotland*, where they may perſonally diſcharge that duty they owe to the Subiects of that kingdome, where Conſcience cannot allow them to be alwaies non-reſident, nor the welfare of the kingdome diſpence with their conſtant abſence.

Upon the like cauſes and grounds, we deſire the Honourable Houſes to concurre with us in a deſire to His Maieſtie, That in all places of Truſt, and Offices about the *King*, Queen, and Prince, and reſt of his Royall Children, the equall halfe, or at leaſt the third part, may be of the Scottiſh Nation, leſt by time they become ſtrangers each unto other, which muſt needs produce many inconveniencies: And this, we truſt, will not be interpreted as the caſting in of any Let or Hinderance to retard the Propoſitions; ſith the Honourable Houſes have given us ſo good hopes of their Conſent, without debate, to ſuch Propoſitions as we conceive to be conduceable for the good and ſecurity of the kingdome of *Scotland*.

Concerning the 19 Propoſition: Seeing by Gods providence both Nations are in one Iſland, ſpeak one and the ſame Language, profeſſe one and the ſame Religion, are unite under the ſame Head and Monarch, and are now more firmly joyned by their late ſolemn League and Covenant: and it being already agreed upon between the Honourable Houſes and us in this Propoſition, That His Majeſties aſſent ſhall be deſired to what the two Kingdomes ſhall agree upon,

on, in profecution of the Articles of the large Treaty which are not finiſhed; we do earneſtly deſire the Honourable Houſes to agree unto theſe Articles, ſo farre as ſhall be inſiſted upon by the Kingdome of Scotland; which will be a Teſtimony of the Affection and Brotherly kindneſſe of this Kingdome to their Brethren, who did ſo cheerfully and ſeaſonably come in for their help and aſſiſtance.

The 20. and 21. Propoſitions are agreed upon.

As for the foure omitted Propoſitions, which concerne the joynt intereſt of both Kingdomes, We deſire they may be ſent with the other Propoſitions to his Majeſty for his conſent, theſe being of greater concernment to the Kingdoms, then other Propoſitions which are deſired to be ſent at this time: Some of them are ſo neceſſary, as a peace cannot be ſetled without them; As in particular, the diſbanding of Armies, without which the Kingdom of Scotland cannot have peace, there being ſtill a body of Rebels by Commiſſion from his Majeſty in the Mountains of Scotland, which do infeſt the Kingdome: The Act of oblivion alſo is the very Bond of Peace.

Having thus expreſt our ſenſe upon the whole Propoſitions, both in our condeſcention and conſent, and in our diſſent and difference, which hath not proceeded from our preſuming to be Judges of what may properly belong to the good of the Kingdome of England, but we conceive is grounded upon, and warranted by the Covenant, Treaties, and Declarations of both Kingdoms, as will appear by the annexed Papers: We deſire that ſuch of the Propoſitions as the Kingdome of Scotland is concerned in, may be ſo framed, as that we may give our full conſent to the ſending of them: Or otherwiſe, as we did formerly offer for our ſelves, we deſire to hear from the Houſes ſuch overtures and expedients, as may determine our differences, and ſtand with our Covenant, Treaties, and Declarations. If this our Deſire be accepted, as our Hope is, the Propoſitions may be ſpeedily ſent: Otherwiſe it is apparent, the ſtop is not in us; And we ſhall wiſh it may be ſeriouſly laid to heart, what a lamentable cloſe it will be of a ſucceſſefull Warre, wherein both Kingdoms have been deeply engaged by ſo Sacred and Solemne a Covenant, either to make no peace, or to make a divided peace without eſtabliſhing of Religion, which is that which was principally intended, and promiſeth the greateſt bleſſing from the God of Truth and Peace, the Author of our union, and great Maſter of this his own work, wherein his hand hath been manifeſtly ſeen untill this day.

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The second Paper delivered in to the Houses of Parliament by the Commissioners of SCOTLAND:

Containing Reasons touching the MILITIA.

CONcerning the *Militia*, we doe with all willingnesse and alacrity agree, that it be setled, as may be most for the security of both Kingdomes, that the King, nor no other be ever able to disturbe nor infringe the Peace, nor involve us in a new War: But we conceive the former Propositions, concerning the *Militia*, should stand, and be sent to the King, rather then the new, as they are now altered: And there be two principall Grounds which move us to be of this judgement; One is, That the setling of the *Militia* according to the former Propositions, is a great deale better for the Security, Safety, and Unity of both Kingdomes; for the which we gave many Reasons in our Debates and Answers to severall Objections, which here we need not to repeat, seeing out of our earnest desire of Peace, we are willing to satisfie the Houses in that point. The other is, from what may be justly objected by his Majesty against it; for which we do offer to your Lordships consideration some few Reasons of many that might be given, hoping no man will take any exception, nor mistake us for what we propound for the Right and Interest of the Crown, and of the Kingdomes in the Crown, upon this Subject: For, 1. We may without Vanity averre, That as the Kingdom of Scotland did not flatter his Majesty, when he was in the height of his Power; so now when the King is at his lowest ebbe, they will make Conscience not to take away what they conceive to be that just Royall Power and Authority, which both Nations by their Allegeance and Covenant acknowledge to be in the Crown, for the Defence and Preservation of the true Religion, and Liberties of the Kingdomes, and which they are obliged therein to maintaine 2. That our Debates are only from these Grounds, and for no other end, and that we do not speak of extraordinary cases, and extreme dangers of the Kingdome, when ordinary remedies are refused; *Ubi salus Populi Lex suprema*, as in the time and case of this War, wherein a Parliament should provide for the safety of the Kingdome. Neither

thet doe wee ſpeake to deny any preſent meanes of full ſecurity of theſe Kingdomes, from new and after-blaſts of this late Storme, which we all grant, and are moſt ready by all lawfull and poſſible waies to ſecure: But we ſpeak of the ordinary and conſtant Government of the Kingdome and *Militia* thereof, after a ſetled and ſolid Peace. 3. That we neither did, nor intend to debate for the Power of the *Militia* to be in the Crowne alone, as the Kings Declarations and Commiſſioners at *Vxbridge* did contend, and which hath been one of the cauſes of all theſe unhappy Troubles; but that it may be jointly in the Kings Majeſty, and the two Houſes of the Parliament, who make up the three Eſtates of the Kingdom, and who are intruſted with the ſupreme Power and Government thereof, as the Parliaments Declarations from time to time, and their Commiſſioners at *Vxbridge* did conteſt; and from whom joyntly no danger or trouble can be feared, or apprehended by, or to the Kingdome, eſpecially ſeeing we concurre to the ſuſpending the execution and exercíſe of that Power in the King, for ſuch a definite time as ſhall be agreed upon.

Having thus prefaced and ſtated the Queſtion, which we deſire to be remembred throughout all the Debate, albeit we doe not repeat it in everie place, we conceive for the reaſons in our former Paper, and theſe other after following, That the King, His poſteritie, and the Crown, ſhould not for all time coming be diveſted of all Power, Right, and Intereſt in the matter of the *Militia*, ſo as (although they were never ſo willing to follow the advice of their Parliaments, yet) they ſhall for ever be made incapable, and in no time coming be admitted to joyn with their Parliaments, for reſiſting their enemies, and the enemies of the Kingdome, and protecting their Subjects.

That by the fundamentall Lawes, and conſtant Practiſe of the moſt legall and moſt regulated Kingdomes, and by the Lawes and Practiſe of theſe Kingdoms declared to the world by the Honourable Houſes, the power of war, and the *Militia*, is placed in the King and Parliament, and is ſo acknowledged by all that write upon this Subject for Parliaments, which is directly contrary to this new Propoſition, by which the whole power of the *Militia* is ſolely placed in the Houſes of Parliament, and the Crown excluded for ever.

That in the Petitions, Meſſages, & Declarations ſent to the King, emitted to the Kingdom, and to all the world, we have profeſſed that no more was ſought concerning the *Militia*, but that it might be intruſted to ſuch Perſons as the Parliament ſhould nominate or ap-

prove, & might confide in, for their affection and fidelity to Religion and the Kingdome, without diminution of the Kings Authority or juſt Power; And that His Majeſties granting Commiſſion to ſuch Perſons, was a ſufficient Security for the Safety of His Perſon, Honor, Crown, and Authority, and for preventing all jealouſies betwixt Him and His People, and preventing all Feares and Dangers of the Kingdomes, and the miſchievous deſignes of their Enemies. And for better remembrance, we ſhall offer herewith in the annexed Paper, ſome particulars ſet down in their former Declarations, whereof the moſt part were ſent to Scotland to informe them of the quarrell, and ingage them therein. And their intentions and profeſſions, to preſerve and defend the Kings Perſon and Authoritie, in the preſervation and defence of the true Religion and Liberties of the Kingdomes (*That the world may beare Witneſſe with our Conſciences of our Loyalty, and that we have no thoughts or intentions to diminiſh His Majeſties juſt Power and Greatneſſe*) was uſed as a ſpeciall Argument to perſwade Scotland to joyne with England in this Warre; And is a part of the third Article of our Covenant, by which we are likewiſe bound in the ſame Article, mutually to preſerve the Rights, and Priviledges of the Parliament; and we do conceive, that what God, the fundamentall Lawes and Practiſes of the Kingdome, and our Covenant have conjoyned, ſhould not be divided. And now to exclude the King and His Poſteritie for ever (as may be evidently collected from the Treaty at *Vxbridge*) will be underſtood to be an alteration of the fundamentall Government, contrarie to the former Reſolutions and Declarations of both Kingdomes, and not agreeable to our Covenant.

The ſetling of the *Militia* according to the new Propoſition, may diſable the Crown from ever performing that duty, which all Kings by their Royall Office, and Oath of Coronation are obliged to perform, and their Subjects by their Oath of Alleageance bound to aſſiſt, for the protection of their Subjects, & the Laws, and oppoſing their enemies, and keeping friendſhip & correſpondence with their allyes.

That the two Kingdomes being by Gods providence happily now Vnited, and Conjoyned in the Crowne by loyall Subjection and Alleagance to one Soveraigne and Head, as is expreſſed in the large Treaty 1641. And this Vnion by our Proteſtation, our Oath of Parliament, the fifth Article of the Covenant, being to be maintained and perpetuated to Poſteritie, we deſire not by our conſent to looſe ſo ſtrong a link of that Golden chaine between the Kingdoms,

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eſpecially ſeeing this in one age or other may be uſed by a ſecluded Crown, as a mean and a motive to ingage in trouble theſe Nations now ſeparated in their *Militia*, which we are bound to foreſee and prevent; Yea, even in any one of the kingdoms, the Kings Poſterity, reflecting on the power of their *Predeceſſors*, may be ſoon incited to endeavour by new Stirs to regaine it, whereas the power remaining in them with the advice of their Parliaments, may preſerve the kingdomes in peace, *quò equiorem eo firmiorem Pacem* we may expect to us and our Poſterity after us.

In our Paper of the 20 of February at *Uxbridge*, the power of the war in Ireland is acknowledged to be in the Crown radically, and the execution of it by a power derived from it, exerciſed by others: And hath not the Crown the like power concerning war in England as in Ireland? Yea, this is alſo acknowledged in the Paper of the 22 of February at *Uxbridge*, concerning the *Militia* of England and Scotland; and that it is no otherwiſe to be exerciſed then by Authority from his Majeſty and both Houſes of the *Parliament* of England, and the Eſtates of the Parliament of Scotland reſpectively. Whoſoever will read that Paper, and withall remember the Kings Declarations, albeit He were varquiſht and made Priſoner, to quit His Life and Eſtate both, before He thus uncrowned the Crown, and depoſed His *Poſterity*, as *pag.* 313, 314, 316, 320, 321, 380. and in many other places He doth profeſſe, may eaſily judge if this be the fitteſt way for a ſpeedy and durable *Peace*, which, with Truth, is the Sum of all our Deſires.

To our former reaſons, The Committee of both Houſes did give the ſubſequent Anſwers and Argumer ts, for their adhering to the new *Propoſition* concerning the *Militia*, which we ſet down according to our beſt remembrance, but in caſe of any forgetfulneſſe or miſtake, ſhall be moſt ready to rectifie and ſatisfie the ſame.

1. A. *That the ſafety and ſecurity of England depends upon the ſetling of the* Militia; *and therefore, next to Religion, is that which they have moſt reaſon to ſtick upon, and crave ſatisfaction in it; that which the Houſes upon ſo mature deliberation have thought fit for themſelves, and the ſecurity of this Kingdome, ought not to be contradicted by us; and that it ſeemes very hard, that another Kingdome ſhould dignoſce that for which this Kingdome hath ſmarted, and been at ſo much expence, and to deſire that the Power ſhould be put into that Hand which hath wounded them, and from whom they have ſuſtained ſo great miſery.*

R. To which it was and is replyed: Wee doe acknowledge

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that a firm Peace is next to Truth to be preferred to all other things: And our moſt earneſt Deſire is, that it may be ſpeedily obtained, but a juſt and equal Peace is the beſt & moſt durable. The former Propoſitions were upon long and mature deliberation of both Kingdoms agreed unto; and ſeeing Scotland hath ſuffered (according to their meaſure and proportion) no leſſe then England, and hath ingaged for them and with them in the danger, and are ſubject to the like for the future, we have the ſame intereſt in the remedy, and cannot be thought to wrong England, when we are as tender of them as of our ſelves, for both Nations have bin wounded with the ſame Hand, and ſhould therefore have the ſame cure. It is very farre from our thoughts to deſire that the Power of the *Militia* may be in the Kings Hand alone, who hath wounded us, but that it may be in the King and Parliament joyntly, and that the exerciſe and managing of it be only by the advice of the Parlimaments. And as theſe hands joyntly did never wound, ſo they cannot but ſecure the Peace of the Kingdome, and was all that ever of before was craved by themſelves for their perfect ſecurity. Likeas, it ſeemes to conduce moſt for the ſecuring the Peace between the Kingdoms, that the *Militia* of either be in the King and Parliament joyntly, becauſe then they both muſt be ingaged before there be any trouble between the Nations, whereas otherwiſe the one might do it.

2. A *That they have not diſputed ſuch tender Points with us, although we have done as much in Scotland, & that they know their own Laws beſt, and that none ſhould judge of them, or can interpret them but themſelves.*

R. We acknowledge that the Points which are in Debate are very tender, and do wiſh that the Differences between the King and His Kingdoms had never com to ſuch a height, as to bring ſo tender points in diſpute; and the more tender they are, we deſire they may be the more tenderly handled; that we never knew of any ſuch thing done in Scotland, and that we were moſt tender of the Kings power and Authority in the time of our greateſt Differences, and are moſt willing to concurre in all wayes for the ſecurity of this Kingdome, which we crave for the ſecurity of Scotland: That wee know and acknowledge the Independency of the Kingdomes, except upon God and their Soveraign, as is more fully expreſt in the entry of the large Treaty, and that we doe not take upon us to judge of, or interpret their Laws, but may without any offence or preſumption remember them of what they have declared to us, to be according to their fundamentall Lawes, and originall Conſtitution of the Government of

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this Kingdome, and wherein the interest of both Kingdomes for Religion and the King (upon the grounds of our Covenant, and Declarations to the King and Kingdome, and to all the World) is common, we ought to be satisfied in our Judgements and Consciences in what we are to consent unto, especially that nothing be contrary unto common Ingagements and Declarations.

3. A. *That their Declarations were framed, published and made use of, as their affairs stood then: But after so much blood shed by the King, & so much expence of this Kingdome, they may alter these Declartions now.*

R. Their former Declarations being made during the same war, cannot be so easily altered, in respect of the Subject and Nature of them, many of them being promissorie and declaratory to all the World, and not without deep attestations of the Name of God, and some of them particularly to the Kingdome of Scotland, that they would never seeke nor take that or the like power from the Crown, and that no trouble or successe should ever change their Resolutions, which was a chiefe motive and argument of Scotlands ingaging with them in the war.

4. A. *That in the new Proposition for the* Militia *there is Freedom & Power to joyne such forces of both Kingdomes, as either Kingdome shall think fit, which doth secure both against forrain invasion, or intestine war; and if there be any inconvenience in the form, as it is conceived in the Proposition, it may be remedied.*

R. That Clause of sending such forces as the Houses of Parliament shall think fit to joyn with the Forces of Scotland, as it is expressed in the Proposition, is a prejudice rather then advantage to either Kingdome, importing a power to send forces unto the other, without their own desire or consent: And the mending of the forme of it will not be so good a securitie, either to keep the Kingdomes joyned, or prevent War, as the former Proposition was.

5. A. *That the King will have interest and power with Commissioners, and may tempt them easily then He can do the Houses of Parliament; Commissioners cannot be so limited, but they will be easily tempted, if Monarchy be kept at such a height, as we propose.*

R. Though the King may have power with Commissioners, yet there is a remedy provided in the Proposition, that the Commissioners shall be comptable to the Houses, and alterable whensoever they please. And although the power which was formerly in the Commissioners were put in the Houses, yet it should be so done, as not to take away the whole power from the Crown, and the reme-

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dy in the Intervals; And may be without dividing the two Kingdomes in the conjunction of their Councels and Forces: And the King and Crown, so secluded, will have more power to ingage Kingdoms so divided in a war, then if the former Proposition shall stand. We desire not Monarchy to be at the height of absolute Soveraigntie, nor of an Arbitrary and Tyrannicall power; Neither desire we just Monarchiall power to be wronged, and rendred contemptible: But to have such a golden Mediocritie, as they may be able, by the advice of their Parliaments, to protect their Subjects, and oppose their enemies, accordingly as is setled by the fundamentall Lawes, and ancient Constitution of this Kingdome, declared to all the world by the Honourable Houses.

6. A. *That the putting the power of the* Militia *in the Houses doth not wrong the King more, or disagree from our Covenant, then to have it put in Commissioners: And seeing wee did assent that by the former Propositions the* Militia *should be put in Commissioners, why do we now dis-assent to have the same put in the Houses?*

R. 1. That Proposition was then conceived with a conjunction of the Kingdomes; This, by separating them, leaves them more open to temptations from a secluded Crown. 2. The right and power of disposing the *Militia*, being controverted between the King and the Houses, the putting of the exercise and managing thereof in Commissioners, who were to have their Commission and power from the King and Parliament, was a clear acknowledgement (as is confessed by your Paper of the 22 of February at *Uxbridge*) and a legall establishment (as it is called by the Parliament in their Declaration *pag.* 710.) that the right & power of the *Militia* was in the King and Parliament joyntly, and the Commissioners were as a third confident Person intrusted by both; and that course had beene at most, but a suspending the exercise and execution of that power for a time necessary for our securitie: But if upon contestation of right, the King shall acknowledge the whole power of the *Militia* to be onely in the two Houses of Parliament, or renounce his right unto them, the Crowne will be excluded for ever. And it was professed in the Debate, to be intended to take the right, power, and interest it selfe from the Crown, untill the Parliament shall be pleased to restore it, upon experience of the carriage of the Crowne, which certainly never had any miscarriage, whatsoever may be the fault of any Person intrusted therewith for his time, for it is the Originall and fundamentall securitie of the Kingdome.

7. A. *There*

7. A. *There was no time limited in the former Propoſitions, which did limit the endurance of the* Militia; *and therefore there ought to be no limitation of time in the new Propoſition, ſince there was none in the former: and the one is no more againſt the Covenant then the other.*

R. The former was ſent as a Propoſition to be treated upon by Commiſſioners on both ſides, & the time in the former Propoſition was indefinite, and ſo was not terminate to any time, long or ſhort: And upon debate at the Treatie at *Uxbridge* (after conſultation with the Houſes) the time was limited to ſeven yeares: But by the new Propoſition (whereunto a poſitive anſwer is deſired to be craved without any Treatie, yea mention made of incorporating it with the reſt in one Bill) the continuance of the *Militia* in the Houſes is made perpetuall; and ſo not only excluſive of the preſent exerciſe, but of the perpetuall right of the Crown. This diſtinction betweene the Right and the Exerciſe, the power and the Execution of it, the abolition of the one, and ſuſpenſion of the other, is ſet downe in your firſt Remonſtrance *pag.* 17. admitted by the King 249. and renewed by your Commiſſioners at *Uxbridge*, *pag.* 120.

8. A. *That although the time for the continuance of the* Militia *in the Propoſition be perpetuall, yet the Parliament can limit the time when they pleaſe, and may give the King enlargement of power: That the prefixing a time to the* Militia *will give occaſion to prepare plots of trouble againſt that time.*

R. What they may doe, may not be done: But it is our preſent duty and obligation, not to take away and diminiſh his juſt power and authoritie. After the expiring of the prefixed time, the power of the *Militia* is not to be ordered, but as the King, with conſent of the Houſes of Parliament, ſhall thinke fit; nor can he diſpoſe of it any way without the conſent of the Houſes; which we deſire may ſtill be ſo, but would not have the Crown totally excluded from the *Militia*, and rendred incapable for ever to joyne in the diſpoſing of it with the Houſes of Parliament, eſpecially ſeeing the perpetuall excluſion of the Crown from the *Militia* is not neceſſary for, but prejudiciall to our ſecuritie, becauſe the reſidence of the Supreme power (both for making and protecting of Lawes) in the Crown & Parliament, hath ever been the originall, fundamental, and the perpetuall ſecurity of the Kingdoms: and neither the one nor the other can be taken away totally and finally, without a totall and finall change of the Government it ſelfe.

9. A. *That for the right and juſt intereſt of the Crown, none will be*

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more tender then the English, but that the King hath no right but for the good of the Kingdom: and since they conceive, that it is better to have the Militia *in the Houses, the King can have no right to it. Although the power of the* Militia *had been in the King, yet when that power is abused, it may and should be suspended, and may be restored when the Parliament shall think fit.*

R. The King and Kingdome are *relata:* and as the good of the Kingdome is the good of the King; so is the good of the King, the good of the Kingdome. And because both the Kings Authority, and the Priviledges of the Parliament are for the good of the Kingdom (which cannot have the being or well-being of a Kingdom without the Crown, nor a Crown, without the Sword and Scepter) therefore have we promised, protested, and sworn to maintaine, preserve, and defend both the one and the other, which is another thing then to obey mutable Lawes, whereof there is not one word in our Protestations and Covenants for that very same cause, of their mutability. And we doe not desire, that the right of the *Militia* be only in the King; but that it may remain in the King and *P*arliament, according to the fundamentall Lawes and practise of the Kingdome, and that it be managed and exercised in such a way as may be best for the security of both. Although the execution and exercise of the power in any person, may be suspended for a time, when it is abused, and the limitation of it is necessary for the security of the Kingdome; yet the right cannot be totally taken away, and the Crowne deprived of it for ever.

10. A. *Judgement of Courts is without the King, and yet the King is not wronged; that although the King be not perfernally in His Parliament, yet He is virtually.*

R. Judgement of Courts and their Power, is derived from King and Parliament, and there is not so much of power granted to be in the King, in the point of the *Militia*; and the judgement of Courts, is but of particular cases between Person and Person, but the Power of the *Militia* is a generall and universall power, for the safetie of King and Kingdom; and therefore the Power of it is both in King and *P*arliament, to protect as well as to make Lawes. After the enacting of the *P*roposition, He can be no more esteemed to be virtually nor actually there, concerning that whereabout He is declared to have no virtue or power, but divested of all right and interest, as here in the matter of the *Militia.*

11. A. *The King contends that no Law in Scotland is valide without*

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the touch of the Scepter, yet We are not pleading for the Kings right therein.

R. There is no such Law, far lesse a fundamentall Law in Scotland, and least of all any Declaration of the Parliament of that Kingdom for it, upon a contest between the King and them, as all these are in this case now in Debate of the Kings Right of the *Militia*, declared to be as essentiall to His Crown, as the other is but a Ceremony, and that not usuall, nor in debate.

12. A. *That Returns should not be made against England upon their former Declarations, as if they were Obligations, whereas they were alterable at pleasure, that Arguments were urged with as great instancy, as at* Uxbridge *for the Crown.*

R. Our Preface and state of the Question answers the last part abundantly, and cleareth, that we are now debating for that which all the Declarations of the Parliament, and their Commissioners at *Vxbridge* did plead for, to wit, That the *Militia* be joyntly in the Crown and the Parliament, and we still oppose that which we opposed at *Vxbridge*, the power of the *Militia* to be in the King alone: And what we speak for the Crown, is out of conscience of our Covenant with God, and publick Declarations to the World, for the good of both Kingdoms, and from no other Motive, nor for any other end; And so we should be as zealous and tender as any who may do the same thing or the contrary, from other principles and for other ends. But in Answer to the first Part, That we do not take upon us to judge of your Laws, but of the Declarations made to the World, and made to us in a speciall manner, that we might judge of them, believe them, and ingage in the war accordingly; which we having done, and suffered so much thereby, cannot in reason admit them to be so alterable at pleasure, because that the Houses therein told us, they would live and die in that quarrell, that they declared the same to other Nations, that they conjured all who had Christianity or charity to believe them, that many times they attested the name of God to the truth of their expressions, and sincerity of those their intentions; that they declared this was the greatest Obligation, that a Christian, and most solemn publick faith, that a State or Parliament could give; That no Christian or Brother could misbelieve a Parliament so declaring, so protesting, and so swearing; That no trouble or successe should change their resolutions, That they made these Declarations to deceive none, but to undeceive all men, lest they should be deceived by the contrary aspersions. And as

the Honourable Houſes do expect, that their Declarations for the future ſhall be imbraced, truſted, and reſted upon; ſo we doubt not they will tender the authority, and credit of their former Declarations, which if they ſhould be violated (as God forbid, and we truſt will be far from their thoughts) the Houſes in their wiſdome will foreſee what influence and reflection this might have upon their preſent & following Declarations, the former being of as great Authority, and confirmed with as high aſſeverations as any of the future are like to be: ſo that we cannot believe that ever the Wiſdome, Piety, Loyalty, Integrity, Faithfulneſſe, and Conſtancy of the Honourable Houſes, will ever ſuffer them to comply, or joyn iſſue with any ſuch Principles, or Intentions of any Parties or Perſons (whatſoever they be) as tend to the introducing of an arbitrary alterability of ſo reall Duties, founded upon ſo firm foundations, in relation to God, this Church and State, and Vnion of the Kingdomes, and of ſo ſolemn Declarations, backed with ſuch atteſtations and oaths, upon any motives or changes whatſoever, which are no good Interpreters of former Covenants and Declarations: All which Reaſons, Anſwers, and Replies, with the annexed Papers of ſome particular Citations, out of the exact Collection of the Declarations of the Honourable Houſes, we offer unto their ſerious conſideration.

The third Paper delivered in to the Houſes of Parliament, by the Commiſſioners of Scotland:

Containing the Citations of ſeverall Paſſages out of the ſeverall Declarations of the Houſes concerning the Militia, *and Vniformity in Religion.*

Concerning the *Militia*, we deſire the following Paſſages to be conſidered, as they are cited out of the Declarations made by the honorable Houſes, and publiſhed to the world, in the exact Collection of Remonſtrances &c. by Order of the Houſe of Commons; wherein our intention is only to ſhew the grounds of our Scruples, the reaſons of our former Debates, and the Motives of our Confidence, that the Honorable Houſes will reſt ſatisfied with what we have now offered; and we deſire that no other inference

ference or construction be putupon our Papers & citations, especially sith we are most reade and wil ing, upon information, to rectifie any mistake, explain our meaning, and so far as is in our power, to prevent misunderstandings.

Pag 59. *Pag.*65. *Pag.*80. Containeth three Petitions of the honourable Houses to the King, *To put the Forces and the* Militia *of the Kingdome into the hands of such Persons as the Parliament might confide in, and as should be recommended to his Majesty by both Houses.* And *pag.*73. containeth the Names of the Persons recommended by the *Houses* to *His Majesty*. The same, and no more was craved from His Majesty, in the Treaty at *Oxford*, 1643.

*Pag.*89 (in regard His Majesty did not grant their Petitions) containeth the Ordinance of both Houses, *For ordering the* Militia, *giving power to such & such to suppresse all Rebellions Insurrections, and Invasions, according as they shall receive Directions by His Majesties authority, signified by both Houses of Parliament unto them, &c.*

*Pag.*93. *Pag.*95. *Pag.*96. *Pag.*100. Especially *Pag.*112. *Pag.*172 & 173. containeth the justification of that Ordinance, as *obliging the Liege by the fundamentall Lawes of the Kingdome, in the case of extreme danger found by the Parliament, and His Majesties refusall to consent to the remedy thereof*; And in all these Votes this is made an extraordinary case, distinct from the ordinary Government, which is further cleered by the resolution of the Question, how to understand the Lawes concerning the *Militia*, published *pag.*150.

Pag 126. and *Pag.*158. and 159. The Kings Majesty complaineth, that *He could not in honour nor justice consent unto it, because they thereby excluded him from any power or authority in the disposition and execution of the* Militia *together with them, and that for a time utterly unlimited.* It is answered by the Honourable Houses (beside the limitation of the time to two or three years) *Pag.*206. *That there is nothing in the body of the Ordinance that excludes His Royal Authority in the disposing or execution of it; but only it is provided that it should be signified by both Houses of Parliament, as that Channel through which it will be best derived, and most certainly to those ends for which it is intended; and let all the World judge whether they have not reason to insist upon it, that the strength of the Kingdome should rather be ordered according to the direction or advice of the Great Councell of the Land, equally intrusted by the King and by the Kingdome, then that the safety of the King, Parliament and Kingdome should be left at the devotion of a few unknown Councellours, many of them not intrusted at all by the King in any publike way, nor at all confided in by the Kingdom.*

And *Pag.*701 *But a trust cannot be recalled or destroyed at pleasure. We say so too; and that we have neither destroyed nor invaded that of His Majesties, because we directed it in the right way, and to the right ends.*

*Pag.*155. and 167 and *pag.*437. the Kings Majesty urgeth, and presseth the Statute, *An.*11 Hen.7 *cap.*1. *That the Subjects by the Duty (or Oath) of Allegeance are bound to serve the Prince in his wars, for the defence of Him and the Land, against every Rebellion, Power and Might reared against Him.* And Statute 11. Hen.7. *cap.*18. *That every Subject by the duty of Allegeance is bound to assist the King at all seasons when need shall require*, and severall other Lawes there cited. The Parliament in their Answers, *pag* 280. and 725 and 729. granteth it to be *duty of Allegeance to serve the King in wars for the defence of Him and of the Land, but not in wars against the Land, or the Parliament the representative body thereof.*

*Pag.*268. *In the Kings Oath of Coronation, He promiseth* justas Leges, ac Consuetudines per Eum esse protegendas. And *pag.*290. He argueth, *Can it be imagined that*

He ſtould be bound by oath to paſſe ſuch Lawes (and ſuch a Law is the Bill they brought to us of the Militia) *as ſhould put the Power wherewith He is truſted, out of Himſelf, in the hands of other men, and diveſt and diſable Him of all poſſible power to perform the great buſineſſe of the Oath, which is to protect them: If we give away all our Power, or if it be taken from us, we cannot protect any man; And what diſcharge would it be for us, either before God or Man (when our good ſubjects, whom God and the Law hath committed to our charge, ſtall be worried and ſpoiled) to ſay that we truſted others to protect them, that is, to do that duty for us, which is eſſentially and inſeparably our own?*

Whereunto the Parliament Anſwereth, p. 710. *For that argument taken from the matter of his Oath, that it cannot be meant that the King ſhould be thereby obliged to diveſt Himſelf of a power to protect His Subjects, which is the great buſineſſe of that Oath. If He had ſaid (as we did not) that the King had been bound to paſſe all Bils that ſhould be offered to Him by both Houſes of Parliament, without any limitation, or qualification of Reaſon & Juſtice yet ſuch a ſuppoſition as this could not fall upon a Parliament, as if they could deſire ſuch a thing, much leſſe that a King were obliged for to grant it: But how unproperly this is applyed to our Bill concerning the Militia, we leave it to every man for to judge, when they ſhall conſider how neceſſary, how juſt, and how reaſonable that Bill was, and how much they miſtake the way and the manner wherein His Majeſty is to protect his Subjects, that have adviſed Him to deny that Bill, and to ſet up a Commiſſion of Array, ſo deſtructive to Liberty, and to the propriety of the Subject. Was it not neceſſary that the Kingdome ſhould be put into a poſture of defence? On all hands it is agreed, the People petitioned for it, the Parliament maketh it a ground of their Ordinance, the King maketh it a ground of his Commiſſions; all the Queſtion is concerning the way: and we ſhall make it good, that the main point wherein his Majeſty differed from us in the Bill concerning the* Militia, *was this, That we deſired the Power of the* Militia *ſtould be put into the hands of Perſons approved by his Majeſty, and both Houſes, to be anſwerable to the Law for diſcharge of their duties; and his Majeſty would not admit of it, unleſſe he might be Judge, both of the time when, the cauſe why, and the manner how that power ſhould be exerciſed, and that in his own perſon out of his Courts, for in them he might have called them to an account for not doing, or doing what they ſhould have done, or not have done: and if it is by the Law, and by the Courts of Juſtice, judging of the Law, and by the* Militia, *to maintain the proceedings in them according to Law, that his Majeſty is to protect his Subjects; Our Bill for the* Militia *was ſo far from diveſting him of that Power, that it did give him a power (which he had not legally before) to command the whole* Militia *of the Kingdom in an orderly and effectuall way; and all theſe to whom it was committed to obey and aſſiſt him, in the protection of all his good Subjects, in their Perſons and Eſtates, according to Law.* And pag. 715. as concerning making of Laws, ſo of the commanding of the *Militia*. The Parliament argueth, *To what end a truſt in the King, and his oath to perform this truſt, if it might be done otherwiſe? But yet that in diſcharge thereof, the King ought to attribute much to the judgement of his Parliament.* It were ſtrange then for ever to ſeclude the Crown from doing that (by the advice of Parliament) which falleth within the Oath of Coronation, and the Obedience whereunto falleth within the Oath of Allegiance.

Pag 3[illegible] *renued in* 368, 369, 370, *&c.* The King urgeth ſeveral ſtatutes, eſpeciall the ſeventh year of King *Edward* the firſt. The Parliament affirmeth, *That to the King it belongeth, & his part it is by his Royall Seigniory ſtraightly to defend wearing of armes, and all other forces againſt the peace, at all times when it ſhall pleaſe Him,*

Him, and to punish him that shall do contrary, according to the Lawes and Usages of the Realm: And hereunto all Subjects are bound to aid the King as their Sovraign Lord, at all occasions when need shall be. The Parliament answereth hereunto as followeth, *pag.* 330. & 304. *That neither the Statute* 7 Edw 1. *therein vouched, nor any other Law in this Kingdome, doth restrain or make void the Ordinance agreed upon by both Houses of Parliament, for the ordering and disposing the* Militia *of the Kingdom, in this time of extreme and imminent danger, nor expose His Majesties subjects to any punishment for obeying the same, notwithstanding that his Majesty hath refused to give his consent to that Ordinance, but ought to be obeyed by the fundamental laws of this Kingdom,* &c. *For that the question is not, whether it belong to the King or not to restrain such force, but if the King shall refuse to discharge that Duty and Trust, whether there is not a power in the two Houses to provide for the safety of the Parliament, and peace of the Kingdome, which is the end for which the Ordinance concerning the* Militia *was made, and being agreeable to the scope and purpose of the Law, cannot in reason be adjudged to be contrary to it: For although the Law doth affirm it to be in the King, (and* pag. 727. *The Law hath placed in His Person the power to protect all other persons: And,* p. 908. *they promise to Him subjection as the correlate of His protection of them, which the Houses crave from Him)* and the Declaration of the Parliament upon the Treaty at *Oxford*, 1643. acknowledgeth the same; *yet it doth not exclude those in whom the Law hath placed a power to that purpose, as in the Courts of Justice, that Sheriffs and other Officers and Ministers of these Courts, and as their power is derived from the King by his Patents, yet it cannot be restrained by His Majesties command, much lesse the Parliament, because the Authority thereof is of an higher and more eminent nature then any of those Courts.*

It is acknowledged *that the King is fountain of Justice and Protection, but the acts of justice and protection are not exercised in his own person, nor depend upon his pleasure, but by his Courts, and by his Ministers, who must do their duty therein, though the King in his own person should forbid them: and therefore if judgments should be given by them against the Kings will and personal command, yet are they the Kings judgments.*

Pag. 207. The Parliament being often urged by his Majesty to shew him their fundamental Laws which warranted them to settle the *Militia* in the case of extreme danger, and his refusall; they set down their Votes, and the fundamental Law warranting the same, as followeth. *That in this case of extreme danger, and his Majesties refusal, the Ordinance of Parliament agreed upon by both Houses for the* Militia *doth oblige the people, and ought to be obeyed by the fundamental Laws of this Kingdome: For it doth appeare that there is no colour of this tax, That we go about to introduce a new Law, much lesse to exercise an arbitrary power, but indeed to prevent it; for this Law is as old as the Kingdome, That the Kingdome must not be without a meanes to preserve it selfe; which that it may be done without confusion, this Nation hath intrusted certain hands with a power to provide in an orderly and regular way, for the good and safety of the whole; which power, by the constitution of this Kingdom, is in his Majesty and in his Parliament together. Yet, since the Prince being but one person, is more subject to accidents of nature and chance, whereby the Commonwealth may be deprived of the fruit of that trust which was in part imposed in him; in cases of such necessity, that the Kingdome may not be enforced to return to its first Principles, and every man left to do what is right in his own eyes, without either Guide or Rule, The wisdome of this State hath intrusted the Houses of Parliament with a power to supply what shall be wanting on the part of the Prince; as is evident by the constant custome and practice thereof, in cases of Nonage, naturall disability, and captivity: and the like reason doth and must hold for the exer-*

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ariſe of the ſame power, in ſuch caſes where the Royall truſt cannot be, or is not diſcharged, and that the Kingdome runs an evident and imminent danger thereby, which danger having been declared by the Lords and Commons in Parliament, there needs not the authority of any Perſon or Court to affirme, nor is it the power of any perſon or Court to revoke the judgement.

By the fundamentall Law, frame, and conſtitution of the Kingdom, the ordinary government is ſetled and intruſted to the King and Parliament, and cannot be changed without the ſubverting the fundamentall Lawes, and that only in extraordinary caſes of extream danger, and the Kings incapacity or refuſal to diſcharge his truſt, the Houſes, *pro ſalute populi, cujus ſalus lex ſuprema*, may direct and diſpoſe of the *Militia*. But by the laſt Propoſition, the extraordinary caſe becommeth the ordinary government, (to wit, perpetuall, and in the time of peace;) and that which was ſince the foundation of this Kingdom, the ordinary government, is not to be ſo much as an extraordinary caſe.

The King in many of his Declarations, and for inſtance, P. 298. urgeth, *That hereby the Houſes deſired not only the ruine of his perſon, but of Monarchy it ſelf, which was more then ever was offered to any of his predeceſſors, &c.* The Parliament in their Duply hereto, pag. 730. juſtly ſet down what followeth, *as a Doctrine which deſerves to be braded with the marks of perpetuall ſcorn and indignation*, viz.

That the repreſentative body of the whole Kingdom is a faction of Malignant, Schiſmaticall, and ambitious Perſons, whoſe deſigne is, and alwayes hath been, to alter the whole frame of government both of Church and State, and to ſubject both King and People to their lawleſſe & arbitrary Power and Government, and that they deſigne the ruine of his Majeſties perſon, and of Monarchy it ſelf; and conſequently that they are Traitors, and all the Kingdom with them, (for their act is the act of the whole Kingdome:) and whether their puniſhment and ruine may not alſo involve the whole Kingdom in concluſion, and reduce it into the condition of a conquered Nation, no man can tell; but experience ſheweth us, that ſucceſſe often draweth men not only beyond their profeſſions, but alſo many times beyond their firſt intentions.

And in many other places the Parliament anſwereth this aſperſion, & giveth aſſurances to the contrary both to His Majeſty and to the world, as p. 100. *that as they behoved upon his Majeſties refuſall to ſettle the Militia, to ſecure and preſerve his Majeſty and the Kingdom from extream danger; ſo they ſtill reſolve to keep themſelves within the bounds of Faithfulneſſe and Allegiance to his Maieſties ſacred perſon and Crown:* And *ibidem* they ſay thus, *Whereas Your Maieſty is pleaſed to ſay, That for your reſidence neer the Parliament, You wiſh it might be ſo ſafe and honourable that you had no cauſe to abſent your ſelf from* Whitehall: *This we take as the greateſt breach of the priviledge of Parliament that can be offered, as the heavieſt miſery to your ſelf, and imputation upon us that can be imagined and the moſt miſchievous effect of evill councels: It roots up the ſtrongeſt foundation of the ſafety and honour which your Crown affords: It ſeems, as much as may be, to caſt upon the Parliament ſuch a charge as is inconſiſtent with the nature of that great Councell, being the body whereof your Maieſty is the Head: It ſtrikes at the very being both of King and Parliament, depriving Your Maieſty in your own Apprehenſion of their Fidelity, and them of your Protection, which are the mutuall bonds and ſupports of Government and Subiection.*

We have, according to your Maieſties deſire, laid our hand upon our hearts, we have askt our ſelves in the ſtricteſt examination of our conſciences, we have ſearcht our affections, our thoughts, conſidered our actions, and we can finde none that can give your Maieſty any iuſt

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occaſion to abſent your ſelf from Whitehall, and the Parliament; but that you may with more honour and ſafety continue there, then in any other place.

P. 195. At the entry of their Declaration, May 19. the infinite mercy and providence of God hath been abundantly manifeſted ſince the beginning of this Parliament, in great variety of protections and bleſſings, whereby he hath not only delivered us from many wicked plots and deſignes; which, if they had taken effect would have brought ruine upon this Kingdom: But out of thoſe attempts hath produced divers evident and remarkable advantages to the furtherance of theſe ſervices, which we have been deſirous to perform to our Soveraign the King, and to this Church and State, in providing for the publick peace and proſperity of his Majeſty and all his Realms, which in the preſence of the ſame All-ſeeing Deity, we proteſt to have been, and ſtill to be the only end of all our councels and endeavours, wherein we have reſolved to continue freed and enlarged from all private aimes, perſonall reſpects, or paſſions whatſoever.

Pag. 203, 204. We are reſolved, the gracious favour of his Maieſty expreſſed in that Bill for the continuance of this Parliament & the advantage & ſecurity which we have thereby, from being diſſolved, ſhall not encourage us to do any thing, which otherwiſe had not been fit to have been done; and we are ready to make it good before all the world, that although his Maieſty hath paſſed many Bils very advantagious for the Subiect yet in none of them have we bereaved his Maieſty of any iuſt, neceſſary, or profitable prerogative of the Crown.

We ſo earneſtly deſire his Majeſties return to London, that upon it we conceive depends the very ſafety and being of both his Kingdomes; and therefore we muſt proteſt, that as for the time paſt, neither the government of London, nor the Laws of the Land, have loſt their life or force for his Security: ſo for the future we ſhall be ready to ſay or to do any thing, that may ſtand with the duty or honour of Parliament, which may raiſe a mutuall confidence betwixt his Majeſty and us, as we do wiſh, and as the affairs of this Kingdom do require.

Pag. 281. We ſhall conclude, That although theſe wicked Councellors about his Majeſty, have preſumed, under his Majeſties name, to put that diſhonour and affront upon both Houſes of Parliament, as to make them the countenancers of treaſon, enough to have diſſolved all the bonds and ſinewes of mutuall confidence betwixt his Majeſty and his Parliament (of whom the Maxime of the Law is, that a diſhonourable thing ought not to be imagined of them) yet we doubt not, but it ſhall in the end appear before all the world, that our endevours have been moſt hearty and ſincere for the maintenance of the true Proteſtant Religion, the Kings juſt prerogative, the Laws and Liberties of the Land, and the privi-ledges of Parliament, in which endevours, by the grace of God, we will ſtill perſiſt, though we ſhould periſh in the work; which if it ſhould be, it is much to be feared, that Religion, Laws, Liberties, and Parliaments would not be long-lived after us.

Pag. 307. Your Majeſties moſt humble and faithfull Subjects having nothing in their thoughts and deſires more precious, and of higher eſteem (next to the immediate honour and ſervice of God) then the juſt and faithfull performance of their duty to your Majeſty and this Kingdom, &c.

Whereas, p. 282. the King alledgeth ſome ſpeeches in the Houſes to the prejudice of the Royall Branches, the Parliament fully anſwereth, pag. 696. this, And although they would perſwade His Majeſty, that there is little confidence to be placed in our modeſty and duty; yet, as God is witneſſe of our thoughts, ſo ſhall our actions witneſſe to all the world, that, to the honour of Religion and of thoſe that are moſt zealous in it (ſo much ſtricken at it by the contrivers of that Declaration under odious names) we ſhall ſuffer

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more from, and for our Soveraign, then we hope, God will ever permit the malice of wicked Councellors to put us to. And though the happineſſe of this, and all Kingdoms, dependeth chiefly upon God, yet we acknowledge that it doth ſo mainly depend upon His Majeſty, and the Royal Branches of that Root; that as we have heretofore, ſo we ſhall hereafter eſteem no hazard too great, no reproach too vile, but that we ſhall willingly go through the one, and undergo the other, that we and the whole Kingdome may enjoy that happineſſe, which we cannot in any ordinary way of providence expect from any other Fountaine or Streams, then thoſe from whence (were the poyſon of evil Councel once removed from about them) we doubt not but we and the whole Kingdome ſhould be ſatisfied moſt abundantly.

Pag 728. We never ſuffered that word of deposing the King to go out of our mouths, nor the thing to enter in our thoughts, nor can it be collected out of any thing we have ſaid. And now for the Propoſitions wherewith we are ſaid to aſſault His Majeſty, and endeavour to diveſt him of all his Royal rights and dignities; we doubt not but we ſhall make it appear to all the world, that what may ſeem higheſt in our Propoſitions hath bin in effect asked & obtained by our Predeceſſours before us and our Neighbours beſides us; and that we have more reaſon to ask it and obtain it then either the one or the other: and yet to teſtifie to all the world how much we deſire Peace, and to avoid the miſeries and confuſion of a civil war, we have not, nor ſhall inſiſt upon any thing, but what we hold neceſſary for preſervation of the ſafety and peace of the Kingdom, and for the ſecurity of our Religion and Liberties, & theſe good Laws which we already have, and hope farther to obtain by the frequent meeting and free ſitting of Parliaments. And as we have been careſull to decline all appearance of any private reſpects in them to our ſelves; ſo We, having the Honour of God, and of his Majeſty, and the peace, freedom and proſperity of this Kingdom chiefly before our eyes, in theſe our Propoſitions, and in all our actions, we reſt aſſured that both God and man will abhorre and abominate that monſtrous and injurious charge laid upon the Repreſentative Body of this Kingdom, of deſigning the ruine not only of His Majeſties perſon, but of Monarchy it ſelf. And we appeale to all the world, whether worſe words then theſe can be given, And whether we may not juſtly expect the worſt actions that the malice and power of the Malignant Party about His Majeſty can produce.

Pag. 750. GOD, who ſees our innocency, and that we have no aims but at his glory, and the publike good, will (we hope) free your Majeſty from theſe deſtructive Councels who labour to maintain their own power by blood and rapine: And bleſſe our endeavour, who ſeek nothing but to procure and eſtabliſh the honorable peace and ſafety of your Majeſty and Kingdoms, upon the ſure foundation of Religion and Juſtice.

The Declarations after mentioned, were ſent from the Parliament of England to the Kingdom of Scotland, to inform them of the true ſtate of the quarel, and cauſe of the war, and to perſwade them to engage with them therein, which they did accordingly.

The King, by his Letter of the 20. of *May*, 1642. to the Councel of Scotland, declared His great ſufferings from His Parliament, and that He was only maintaining His Authority, &c. as is inferred in *pag.* 155. Thereupon the Parliament emits a Declaration, and ſends it to Scotland, aſſuring them by Proteſtation, That his Majeſties ſufferings come not from any intention or action of theirs, who endevour with all fidelity to procure the happineſſe of His Majeſty and of His Kingdom: And that they ſhould do their beſt endeavours to promote the Honour, Wealth, and Proſperity of Scotland, (becauſe of our great affection and reſpect to them at that time, upon believing their

their Declarations) and preserve their union, &c. pag. 330.

In August 1643. The Parliament sends down Colonel *Pickering* to the General Assembly, with a Declaration to them, shewing, *That they thought fit to send them a copy of their Supplication to His Majesty, (wherewith he brought also other Declarations, and gave them to the Lords of the secret Counsell, and Conservators of Peace) That that Church and Kingdome (whereunto they are tyed by so many and so neer bonds, both civill and Spirituall) may see that the like mind is now in them, that formerly appeared to be in that Nation; and that they were tender of blood, and zealous for a Reformation of Church and State, which, if not interrupted by Warre, they would settle, to the increase of His Majesties Honour and State, the Peace and Prosperity of this Kingdom; and especially to the glory of God, by the advancement of the true Religion, and such a Reformation of the Church, as shall be most agreeable to Gods Word: Out of all which there will also result a most firm and stable union between the two Kingdoms, which, according to our Protestation, we shall by all good waies and means, upon all occasions, labour to preserve and maintain*

The Supplication which he brought, was that which was sent after nomination of my Lord *Essex* General, *pag.* 465. having that expression, *That He would returne to His Parliament, and hearken to their faithfull Advices and humble Petitions, which should onely be for advancing Religion, His owne Royall Honour and Safety, the preservation of our Lawes and Liberties; and they should punish and prevent all tumultuous and seditious actions, speeches and writings, which might give him any just cause of distance, or apprehension of danger, from which publike aimes and resolutions, no sinister or private respect shall ever make them decline; That they should settle the Militia by a Bill, in such a way as shall be honourable and safe for his Majestie, most agreeable to the duty of Parliament, and effectuall for the good of the Kingdom, that the security thereof be not for its destruction; with which, if His Majesties Counsels and Courses shall concurre, we doubt not but we shall quickly make it appear to the World, by the most eminent effects of love and duty, That his Majesties Personall safety, Royall Honour and Greatnesse, are much dearer to us then our lives and fortunes, which we do most heartily dedicate, and shall most willingly employ for the support and maintenance thereof. They again repeat the same,* pag. 509. *as the firm and constant resolution, to witnesse their unshaken and constant loyalty; and that they would make Him and His Posterity as much beloved at home, and feared abroad, as any Prince that ever swayed this Scepter.*

They renew and enlarge the same in their Petition the 11 of September, *pag.* 587. and offer to his Majestie, *Securitie, Honour, Service, Obedience, Support, and other effects of an humble, loyall, and faithfull Subiection; and seek nothing, but that our Religion, Liberty, Peace of the Kingdom, and safety of the Parliament may be secured from the open violence and cunning practises of the wicked party; and as we never gave Your Majesty any just cause of withdrawing Your Self from Your great Councel; so it hath ever been, and shall ever be far from us, to give any impediment to Your Majesties return, or to neglect any proper means of curing the distempers of the Kingdom, and closing the dangerous breaches betwixt Your Majesty and Your Parliament, according to the great trust which lies upon us; And if your Majesty shall now be pleased to come back to Your Parliament, without Your forces, we shall be ready to secure Your Royall Person Crown, and Dignity with our lives and fortunes, Your presence in this great Councell, being the onely means of any Treaty between Your Majestie and them with hope of successe.*

And in none of our desires to Your Majesty shall we be swayed by any particular mans

advantage, but shall give a clear testimony to Your Majesty and the whole World, That in all things done by us, we faithfully intend the good of Your Majesty, and of Your Kingdoms, and that we will not be delivered from this end, by any private or self-respects whatsoever.

Again, they renew the same, pag. 618. *Shewing, that they have for the just and necessary defence of the Protestant Religion, of Your Majesties Person, Crown and Dignity, of the Laws and Liberties of this Kingdom, and the Priviledges and Power of Parliament; Taken up Arms, and appointed and authorized* Robert Earl of Essex *to be Captain General, wherein, if Your Majesty please to yeeld to our most humble and earnest desires, We do in the presence of Almighty God professe, that we will receive Your Majesty with all Honour, yeeld You all due obedience and subjection, and faithfully endeavour to secure Your Person and Estate from all dangers, and to the uttermost of our power, to procure and establish to Your Self and Your People, all the blessings of a glorious and happy Reigne.*

He delivered also the Votes of the 12. of July, *pag.* 457. of raising an Army for the safety of the Kings person, defence of the Parliament, and preserving Religion, Laws, Lives, and Peace of the Kingdom, and to die and live with the Earl of *Essex* in that Cause, and the former Petition appointed to be framed.

He delivered likewise the Declarations, *pag.* 458. wherein the Parliament expresseth, *That in all their endeavours, they intend wholy the advancement of his Majesties Honour and Safety, And the regainment of the ancient (though of late yeers much invaded) Rights, Lawes, and Liberties, being the Birth-right of the Subjects of this Land, and setling of the true Protestant Religion (the glory of their Nation) in Peace and Purity.*

He delivered the Declaration, pag. 461. *concerning the distractions of the Kingdom (wherein the King breaking His Declarations, is challenged) they desire all mens assistance in this necessary defensive War, And that they shall in all their proceedings manifest, they are carried by no respects but of the publike good; That alteration of Religion is the main end of their* Enemies, *which will draw on losse of Liberty, and subversion of Law; so it rests onely, Whether free-borne English-men will adhere to King and Parliament, or to the King, seduced by Jesuits and Cavaliers.*

In their reply to the King, *pag.* 473. they shew the reason why they took into their custody the Town of *Hull,* the Magazine and Navie, passed the Ordinance of the *Militia,* and made preparation of Armies, *was for the security of Religion, the safety of his Maiesties person, of the Kingdom and Parliament, all which they did see in evident and imminent danger, from which, when they shall be secured, and that the forces of the Kingdom shall not be used to the destruction thereof, They shall then be ready to withdraw the Garrisons out of* Hull, *to deliver the Magazine and Navie, and settle the* Militia *by Bill, in such a way as shall be Honourable and safe for his Majesty, most agreeable to the duty of Parliament, and effectual for the good of the Kingdom, as they have profest in their late Petition: And as for the laying down of Arms, when the causes which moved them to provide for the defence of his Maiesty, the Kingdom and Parliament, shall be taken away, they shall very willingly and cheerfully forbear any further preparations, and lay down their force already raised.*

He delivered also the Declaration, *pag.* 491. giving an account to the World of the Justice of their proceedings, and to warn them all to concur, They complain, *That the designe of their Enemies is, to alter the constitution and frame of this Government both in Church and State: That they begun with* Scotland, *by the Service-book; For*

well

well they know the same fate attended both Kingdoms; and Religion *could not be admitted in the one, without altering it in the other, and* Religion *is there called, The life of our lives.*

And seeing now the Question is so clearly stated: They invite all to assist for the preservation of Religion, *the* King, *and our selves. And that it appeareth that it is neither* Hull, *nor Magazine, nor* Militia, *which are grounds of the War, whereupon they conclude their account to the World, That they the Lords and Commons were resolved to expose their Lives and Fortunes for Maintenance of the true* Religion, *the Kings Person, Honor, and Estate, priviledges of Parliament, and Right and Liberties of Subiects, and for prevention of alteration of* Religion: *and requireth all who have sence of Piety, Honour, or Compassion, to help a distressed State, especially such as have taken the Protestation, and are bound in this same duty with them unto their God, their King, and Country, to come to their assistance; This being the true Cause for which we raise an Army under the Earl of* Essex, *with whom we will live and die in this quarrel.* This is sent to Scotland with Colonel *Pickering*, is read to the general Assembly, Lords of Councel, and Conservators of peace, and beleeved there.

In all the Letters and Declarations from the Conservators of peace in Scotland, there is a clear evidence of our earnest pressing Unity in Religion and Peace, with all respect and tenderneſſe to His Majesties Authority, and the Subjects Liberty. And the Parliament of England the 20 of October 1642. doth answer, that they were willing to concur in all good waies for the Kings Honour and Happinesse, and Unity between the Kingdoms. And generally in all Declarations of the Houses sent to Scotland, They expresse their desire for uniformity, and preservation of His Majesties authority.

Pag. 663. The Declaration and Protestation of the Lords and Commons to this Kingdom, and to the whole World, October 22. 1642. *We in presence of Almighty God, for the satisfaction of our Consciences, and the discharge of our great trust, protest and declare, That no private passion or respect, or evil intention to his Maiesties Person, no designe to the preiudice of his just Honour and Authority, engaged us to take Armes and raise Forces: And we have alwaies desired from our souls, manifested in our Proceedings, Petitions, and Remonstrances to his Maiesty, professed our loyalty and obedience to his Crown, readines and resolution to defend his Person and support his Estate, with our lives and fortunes to the uttermost of our power.*

They remember a Petition sent *pag.* 587. Wherein they professe *in the sight of Almighty God, which is the strongest obligation that any Christian, and the most solemn publike Faith, which any such State as a Parliamnnt can give: that we would receive him with all Honour, yeeld him all true obedience and subiection, and defend his Person and Estate: That in this cause and defence thereof, they expect the concurrence of Scotland, according to the Act of Pacification: And which safety of Religion, Laws and Liberties, We do here again professe before the ever-living God, to be the chief end of all our Councels and Resolutions, without any intention or desire to hurt or injure his Maiesty, either in His Person or just power.* This Declaration was sent to the Conservators of peace, with their safe conduct, and delivered by Colonel *Pickering* unto them.

In the Declaration to the World, *pag.* 657. sent to Scotland, *concerning the allegations, That the Army is raised to murder or depose the King; we hoped any that professed the name of a Christian, could not have so little Charity as to raise such a scandal, especially when they must needs know the Protestation taken by every Member of both Houses,*

whereby they promiſe in preſence of Almighty God, to defend His Majeſties Perſon: The Promiſe and Proteſtation made by the members of both Houſes, upon the nomination of the General to live and die with him, wherein is expreſſed, That this Army was raiſed for the defence of the Kings Perſon; Our earneſt addreſſes and humble petitions to His Majeſty, to remove His Royal Perſon from that Army; A requeſt inconſiſtent with any purpoſe to offer the leaſt violence to his Perſon, which hath and ever ſhall be dear unto us: That their Religion and Liberties being ſecured unto them, they ſhall willingly disband. To the imputation of their intention to change the Government, they anſwer, *That the Army is raiſed for the Lands neceſſary preſervation.*

The Declaration of the Eſtates of *Holland*, p. 625. declareth *the queſtion between the King and Parliament, Is not whether He ſhall enjoy the ſame Prerogative and Power, which hath belonged to our former Kings, His Royal Predeceſſors; But whether that Prerogative and Power ſhall be uſed to our defence or ruine, and we expect nothing from Him but ſecurity and protection from thoſe miſchievous deſignes multiplied againſt them.*

But above all, remember the Declaration, 7. November, p. 737. directed and ſent to the Kingdom of Scotland, and delivered to that State by Col. *Pickering*, mentioning, *that Scotland had lovingly invited them to a neerer and higher degree of Union, in matters of Religion, and Church Government, which we have moſt willingly and effectually embraced, and intend to purſue: And though we ſeek nothing from His Majeſty, that may diminiſh his juſt authority or honour, and have by many humble Petitions endeavoured to put an end to this unnatural war and combuſtion, and to procure His protection and ſecurity, for our Religion, Liberties and Perſons (according to that great truſt His Majeſty is bound to by the Laws of the Land) and ſhall continue to renew our Petitions in that kinde, we are neceſſitated to ſtand upon our juſt defence, and to ſeek the ſpeedy and powerful aſſiſtance of our Brethren, according to the Act of Pacification, common duty of Chriſtianity, and particular Intereſt of their own Nation, which would produce preſervation of Religion, Honour, Safety, and Peace to His Majeſty and Subjects, and a more ſtrict conjunction of the Councels, Deſignes, and Endeavours of both Nations, for the relief of the Reformed Churches:* All which we did beleeve, and deſire to ſee obſerved, and did not beleeve the Kings Anſwer thereunto, immediatly ſent to Scotland againſt them, as intending to countenance Sects and Schiſms, and to ſubvert His Royal Authority.

We could cite to your Lordſhips as many of our Declarations to the ſame ſenſe, which we acknowledge as obligatory, and ſo need not to repeat them.

But that which ſticks moſt with us, are the Oaths taken, firſt *ſeparation* by both theſe Nations, and then *conjunction* in the laſt ſolemn League and Covenant between the Kingdoms.

We need neither ſet down our firſt Covenant, nor the Proteſtation which is ſo cleer, and well known to all, *viz.* To defend and maintain, according to the duty of my Alleageance, His Majeſties Royal Perſon, Honour and State, *&c.* and in all juſt and honourable wayes, to preſerve the Union and Peace between the Kingdoms, and neither for hope, fear, or other reſpect relinquiſh the promiſe, Vow, and Proteſtation, which whoſoever would not take, was voted to be unfit to bear office in Church or State, whereunto our Oath of Parliament is parallel almoſt *in iiſdem verbis.*

Concerning

Concerning the late Solemn League and Covenant, we may not forget the Act of the General Assembly of Scotland, and of the Convention of Estates, 17 Aug. 1643. approving of the first draught of it: as the most powerful mean, by the blessing of God, for setling and preserving the true Protestant Religion, with perfect Peace in His Majesties Dominions, and propagating the same to other Nations, and for establishing His Majesties Throne to all Ages and Generations, and recommending it in these terms to the Kingdom of England; and which is most fully twice or thrice expressed in their Declaration, then sent to the Houses, and in their Answer to the Divines.

Likeas the two Acts of the Commissioners of the Assembly, and Committee of Estates in October, 1643. approving the same (after the return thereof from England) in the same terms, and appoint it so to be sworn and subscribed: Whereupon the Covenant having these acts prefixed, was subscribed and sworn in a most solemn manner by the Commissioners of both Kingdoms, at Edinburgh, and one Principal so subscribed, Delivered by us to the English Commissioners, and another from them to us, to be keeped *in retentis*.

Likewise the Ordinance of the Honourable Houses, for the subscribing of the Covenant, prefixed an Exhortation, and therein affirmeth.

For what is there almost in this Covenant, which was not for substance either expressed, or manifestly included in that solemn Protestation of May 5. 1641. wherein the whole Kingdom stands engaged until this day? The sinful neglect whereof doth (as we may justly fear) open a Flood-gate, the more to let in all these calamities upon the Kingdom, and cast upon it a necessity of renewing Covenant, and of entring into this.

If it be pleaded, that this Covenant crosseth the Oaths of Supremacie and Allegeance, there can be nothing further from Truth; for this Covenant bindes all, and more strongly engageth them to preserve and defend the Kings Majesties Person and Authority, in the Preservation and Defence of the true Religion, and Liberties of the Kingdoms.

The Covenant it self, both in the Title and in the Preamble, setteth down the three main Motives, Duties, and Ends thereof, whereof the second is the Honour and Happinesse of the King and His Posterity.

In the third Article, We shall with the same sincerity, reality, and constancy in our several vocations, endeavour with our Estates and Lives, mutually to preserve the Rights and Priviledges of the Parliaments, and Liberties of the Kingdoms: And to preserve and defend the Kings Majesties Person and Authority, in the preservation and defence of the true Religion and Liberties of the Kingdoms. That the world may bear witnesse with our consciences of our loalty, and that wee have no thoughts or intentions to diminish His Majesties just Power and Greatnesse.

In the fourth, we shall discover evil instruments, by hindering the reformation of Religion, dividing the King from his people, or one of the Kingdoms from another, or making any parties among the people contrary to this League and Covenant.

In the fifth, And whereas the happinesse of a blessed peace between these Kingdoms, Denied in former times to our Progenitors, is by the good providence of God granted unto us, and hath been lately concluded and setled by

both Parliaments; We ſhall each one of us according to our power and intereſt, indeavour that they may remain conjoyned in a firm peace and union to all poſterity; And that juſtice may be done upon the wilful oppoſers thereof, in manner expreſſed in the precedent Articles.

Now this firme Union between them ſetled by both Parliaments, and to be continued by that Article; as alſo by the Proteſtation before mentioned, and our Oath of Parliament, is expreſſed in the Act of Pacification in the large Treaty, *in his verbis*, That the great bleſſing of a conſtant and friendly Conjunction of the two Kingdomes, now united by Allegeance and loyall Subjection, to one Soveraigne and Head, may be firmly obſerved, and continued to all poſterity.

In the ſixth Article, we may not make defection to the contrary part, or give our ſelves to a deteſtable indifferency or neutrality in this cauſe, which ſo much concerneth the glory of God, good of the Kingdoms, and Honour of the King, but all our days zealouſly and conſtantly promote it againſt all oppoſition and impediments; all which we ſhall do as in the ſight of God, and perform all Duties we owe to God and man, and make this Covenant in the preſence of Almighty God the Searcher of all hearts, with a true intention to perform the ſame, as we ſhall anſwer at the great day.

We cannot but remember the firſt Article of the Treaty between the Kingdoms, *viz.* It is agreed and concluded, that the Covenant repreſented to the Convention of Eſtates, and General Aſſembly of Scotland, and ſent to both Houſes of the Parliament of England, in the ſame form as it is now returned from the two Houſes of the Parliament of England to their Brethren of Scotland, and allowed by the Committee of Eſtates, and Committee of the general Aſſembly, be ſworn and ſubſcribed by both Kingdoms, as a moſt neer tie and conjunction betwixt them, for their mutual defence againſt the Papiſt and Prelatical Faction, and their adherents in both Kingdoms, and for purſuance of the ends expreſſed in the Covenant; and that the reſt of the Articles are expreſly conceived to be in purſuance of the ends expreſt in the ſaid Covenant. And the eighth Article, That no Ceſſation, nor any Pacification, or Agreement of Peace whatſoever, ſhall be made for either Kingdom or their Armies, without the mutual Advice or Conſent of both Kingdoms, or their Committees (by vertue whereof we debated theſe Propoſitions with your Lordſhips) is in purſuance of the ſame ends. And the ninth Article containeth the publike Faith of the Kingdom of Scotland, That neither our entrance into, nor continuance in the Kingdom of England ſhall be made uſe of (we hope no more by others then by us) to any other ends then are expreſſed in the Covenant and Articles of this Treaty; And that all matters of Difference ſhall be determined by the mutual Advice and Conſent of both Kingdoms, or their Committees: upon the Covenant and Treaty, the Kingdom of Scotland ſending in their Army for your Aſſiſtance, emitted to the world a Declaration of their Intentions in that War, ſhewing their three Motives, three Duties, and three Ends, conform to the Covenant, and planting it as their *Motto* on all their Banners and Colours, *Covenant for Religion, Crown, and Kingdoms*, inſerting it in their Commiſſion to the Lord General, their Directions through the Counties, and Articles of War, and the Military oath taken by all the Army; Deſiring no otherwiſe a bleſſing upon their Endeavours, then as they ſhall be directed to the purſuanc

ſurance of their ends, inſerted in the Title of the Covenant, aſſuring that the War is not againſt his Majeſty, but that the wicked being removed, a good underſtanding may be eſtabliſhed betwixt His Majeſty and His people, remembring our publike Faith, given in the ninth of April; and aſſuring, that their pious, loyal, and faithful deſires being obtained, we ſhould moſt willingly return, eſteeming it our greateſt happines, that Truth with Peace may be eſtabliſhed in all His Majeſties Dominions.

As we apart, ſo both the Kingdoms together joyned in Armes, emitted their joynt publike Declaration to the World to the ſame effect; and with many the like expreſſions, founding the War on the Covenant, calling it the Cauſe and Quarrel of God, and ending with a notable Cloſe, *viz.* We have after long and grave Conſultation reſolved and decreed, never to lay down Armes, till Truth and Peace by the bleſſing of God be ſetled in this Iſland upon a firm foundation, for the preſent and future Generations, which ſhall be eſteemed of us an abundant reward of all that we can do or ſuffer in this Cauſe.

Concerning

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Concerning Uniformity in Religion.

IN August 1642. The Parliament sends down Colonel *Pickering* to the General Assembly with a Declaration to them, shewing they thought fit to send them a Copie of their Supplication to his Majesty, wherewith he brought also other Declarations, and gave them to the Lords of secret Councel and conservers of Peace, *That that Church and Kingdom (whereunto they are tyed by so many and neer bonds both Civill and Spirituall) may see that the like minde is now in them, that formerly appeared to be in that Nation, and that they were tender of blood, and zealous for a Reformation of Church and State, which if not interrupted by War, they would settle to the increase of his Majesties Honour and State, the Peace and prosperity of this Kingdom, and specially to the glory of God, by the advancement of the true Religion, and such a Reformation of the Church, as shall be most agreeable to Gods Word: Out of all which there will also most undoubtedly result, a most firm and stable union betwixt the two Kingdomes, which according to our Protestation we shall by all good means and wayes upon all occasions labour to preserve and maintain.*

Pag. 792. In their Declaration giving an account to the World of the Justice of their proceedings, they complain *that the designe of their Enemies is to alter the constitution and frame of this Government both in Church and State: And that when they conceived the way to be sufficiently prepared, They at last resolved to put on their Master piece in Scotland in imposing upon them a Popish Service Book for well they knew the same fate attended both Kingdoms, and Religion could not be altered in the one without the other,* Ibidem, *Religion is called the life of their lives.*

Pag. 595. The Declaration of the General Assembly of the Kirk of Scotland, sent in an answer to a Declaration from the Parliament of England to them, Sheweth, *That the hearts of the godly are grieved, That contrary to their Prayers, and the Professions both of King and Parliament, the Reformation of Religion moveth so slowly, That it ought first of all to be intended and endeavoured, and that when supreme providence giveth opportunity, no other work can prosper, or successe be durable in the hand of his servants, if it be not apprehended and with all reverence and faithfulnesse improved: And who knoweth but the Lord hath now some controversie with England, which will not bee removed till first and before all, the Worship of his Name and Government of his House, be setled according to his owne will? This Uniformity they conceive to be most acceptable to God, the surest mean to preserve a solid peace, without which it can never be expected, and a way to prevent all Heresies and Sects, who rent asunder the bowells of Kirk and Kingdom.* And the Lords of Secret Councel joyned with the Assembly in these their desires.

Pag. 600 *& deinceps.* The Parliament (in their Declaration sent in answer to a former of ours) thanks the Kirk and Kingdom of Scotland for their desires of Unity in Religion, and Uniformity in Church-government in his Majesties three Kingdoms, Sheweth, *That whensoever Religion is subverted or changed in the one, it will easily be accomplished in the other, And desires that we may mutually rejoice in one anothers happinesse, and yeeld His Majesty such a faithfull subjection as may be honourable to himself, comfortable to his people, and advantagious to the reformed Churches abroad:*

Declareth,

Declareth, that they have ever made it their chiefeſt aime, The Reformation of Church-Government and Diſcipline; and though they find interruptions and oppoſition in the proſecution and accompliſhment thereof, yet they take our deliverance as a pledge of theirs, hopefull that God will perfect their deſignes and endevours of a full Reformation of all things pertaining to Religion: and acknowledging, that thu is the greateſt honour and ſervice which God receives from his people, the ſureſt faundation of glory, ſtrength, and happines which he beſtows upon any Nation, the beſt mean to preſerve from Sects and Hereſies, and to unite theſe two Nations; Acknowledgeth our ſerious thoughts and earneſt deſires for ſuch an unity in Religion, as that in all His Maj: Dominions there might be one Confeſſion of Faith, one Directory of worſhip, one publike Catechiſme, and one form of Church-Government, to be an act of Love to them, and of Wiſdome to the good of both Churches, for which they are thankfull to God and us: And although it will hardly be punctually and exactly obtained, unleſſe ſome way be found for a mutuall communication and conjunction of Counſels and Debates, in framing that one Form; yet both intending the ſame end, proceeding by the ſame rule of Gods word, and guided by the ſame Spirit, they hope, by Gods aſſiſtance, to be ſo directed, as to caſt out whatſoever is offenſive to God, or juſtly diſpleaſing to any Neighbour Church, and ſo far to agree with their Brethren of Scotl. and other Reformed Churches in all ſubſtantial parts of Doctrine, Worſhip, and Diſcipline, as both they and we may enjoy all theſe advantages and conveniences mentioned by us in our laſt Declaration, viz. In the more ſtrict Union of both Kingdoms, more ſafe, eaſie, and comfortable Government of His Maj: and both to Himſelf and people more free communion in all holy exerciſes and duties of Worſhip, more conſtant ſecurity of Religion, againſt the bloudy practices of Papiſts, and deceitfull errors of other Sectaries: *They give us hearty thanks for our faithfull and affectionate deſires of this ſo great an advantage for them; and declares, that we need not make any Apologie for the ſame. They further declare, that they are to conſult with godly and learned Divines, for ſuch a Government as may be moſt agreeable to Gods holy Word, moſt apt to procure and conſerve the peace of the Church at home, and an happy union with the Church of* Scotland, *and other Reformed Churches abroad: and for that effect, do deſire us to ſend ſome godly and learned Divines of our Church to that Aſſembly of theirs, whereby an uniformity in Form of Church-Government may be obtained, and thereby a more eaſie paſſage made to the ſettling of one Confeſſion of Faith, one Directory of publike Worſhip, and one Catechiſme in all the three Kingdomes, which, they hope, (through Gods bleſſing) will have ſuch an effect in all His Majeſties Dominions, as will much advance the honour and ſervice of God, enlarge the greatneſſe, power, and glory of the King, confirm the peace, ſecurity, and proſperity of all His good Subjects, make way to the reliefe and deliverance of the poore afflicted Churches abroad, and will tend to the ruine of Antichriſt.*

In all the Letters and Declarations from the Conſervers of the Peace in *Scotl.* there is a clear evidence of our earneſt preſſing unity in Religion and Peace, with all reſpect and tenderneſſe to His Maj: Authority, and the Subjects liberty; and the Parl. of England anſwers 20. October, That they are willing to concur in all good waies for the Kings Honour and Happineſſe, and Unity and Amity between the Kingdomes, like as in all their Declarations they expreſſe their deſires for Uniformity in Religion, and preſervation of His Majeſties Authoritie.

Pag. 659. The Parliament in their publike Declaration emitted to the world

UMI - 1994

after the Battell of *Keinton*, ſent to *Scotland*, and given by Colonell *Pickering* in Anſwer to the Kings Objection, That they countenance Browniſts and Anabaptiſts; *They affirme it to be falſe and groundleſſe: And, that if his Majeſty had not denied his conſent to the Bill for an Aſſembly of Divines, they had long ſince manifeſted to the world, by a well ſetled Reformation, their utter diſlike of Browniſme and Anabaptiſme: But they declare it is one of the Stratagems of the Prelaticall and Malignant party, to interrupt them in the meanes to ſettle Church-Government, that by delay thereof they may ſtir up Faltions and Diviſions amongſt the people, who having not the Rule before them, are apt to run ſeverall wayes, and ſo to impute the errors and indiſcreet carriage of a few perſons unto the Parliament: But God (they hope) in his good time, will unmask their plots, and confound their devices.*

Pag. 840. The like Objection is made by the King in his Anſwer to the *Londoners* Petition, where it is asked, *If the cheriſhing and countenancing of Browniſts and Anabaptiſts, and all manner of Sectaries, be the way to defend and maintain the true Proteſtant Religion.* And *Pag* 845. M. *Pym*, in his Speech to the Citizens of *London*, in name, and by command of the Parliament, anſwers that Objection amongſt others, *By denying, that the honourable Houſes doe give any ſuch countenance to Sectaries, of any kind whatſoever, and that no ſuch thing can be proved, and retorteth the Argument upon His Majeſties keeping of Papiſts in his Army.* And *Pag* 442. The King gives direction to his Judges to ſtop the overhaſty growth of Anabaptiſme and other Schiſmes. They declare, *Pag.* 19. of their Remonſtrance, *That it is far from their deſires and intentions, to let looſe the reines of Diſcipline and Church-Government, to let private perſons or particular Congregations take up what forme of Worſhip they pleaſe, but doe hold it requiſite, that there ſhould be throughout the whole Realm, a conformity to that order which the Law enjoyns, according to the word of God.*

But above all, let the Declaration directed and ſent to the Kingdome of Scotland, 7. Novemb. 1642. and delivered to that State by Col: *Pickering*, be remembred; mentioning, *That Scotland had lovingly invited them to a neerer and higher degree of union in matters concerning Religion, and Church-government, which they have moſt willingly and affectionately embraced, and intend to purſue, declaring alſo, that a great cauſe and incentive of the Malice of the Prelaticall and Malignant party againſt them, proceeds from the deſign they have to hinder the Reformation of the Eccleſiaſtical Government in this Kingdom, ſo much longed for by all true Lovers of the Proteſtant Religion: And therefore againſt ſuch their malice & power, they implore the ſpeedy and powerfull aſſiſtance of their Brethren of Scotl. according to the late Act of Pacification, common duty of Chriſtianity, and the particular intereſts of their owne Kingdome, which aſſiſtance, they hope, ſhall produce the preſervation of Religion, the honour, ſafety, and peace of his Majeſty & all his Subjects, and a more ſtrict conjunction of the Counſels, Deſigns, and Endevours of both Nations, for the comfort and relief of the Reformed Churches beyond Sea. All which we did beleeve, (and now deſire to be performed) And did not beleeve the Kings Anſwer thereunto immediately ſent to Scotland againſt them, as intending to countenance Sects and Schiſmes, and to ſubvert his Royall authority.*

In Auguſt 1643. The Engliſh Commiſſioners in their firſt Propoſition deſire ſome from our Aſſembly to be ſent to England, *To perfect that work of Reformation of Church-Government, and acknowledge, that what corruptions take root in*

England,

England, will quickly ſpread their venome and infection to their Neighbour Church of Scotland; *and to ingage us, they preſſe our intereſt (although now it is urged by ſome that we have none) that they were appointed to conſult with us concerning ſuch things as might conduce to their Reformation, and their ſo much deſired conjunction with the Church of* Scotland.

The Parliaments Declaration given in by their Commiſſioners acknowledgeth *Our Chriſtian zeale and love in our endeavours, for the neceſſary Reformation of their Church-Government, and more neer union of both Churches: And that the two Honourable Houſes fully concur with us in theſe pious intentions, for accompliſhment whereof they had called an Aſſembly, and ſent downe Commiſſioners, deſiring us to give them credit in all things they propoſe: they call it, The Cauſe of God, and ſhew, that we cannot enjoy Religion, Peace, and Liberty, if they be ſubverted in England: The Commiſſioners invite us to be inſtruments of a glorious Reformation in England, that God had put in the hearts of both, deſires of a neerer union in Church-Government, and for defence againſt the common enemies, that God would make uſe of this opportunity, to knit them both to himſelf, and each to other in a moſt ſtrict and durable union; and thereby the more firmly to eſtabliſh Truth and Peace in both Nations.*

The ſame is repeated in their Paper to the Convention of Eſtates, that the deſigne of ſubverting Religion was the ſame, but *mutatâ methodo; That they would ſecure us from the Invaſion of the Iriſh Rebels, That they needed not Arguments to invite us to their aſſiſtance, ſince now the Honourable Houſes have ſo fully declared by what they have done, and what they are deſirous to doe, that the true ſtate of the Cauſe and Quarrell is Religion: In Reformation whereof they are ſo forward and zealous, as there is nothing expreſſed in our former or latter Declarations, which they have not ſeriouſly taken to heart, and ſeriouſly endeavoured to effect, that ſo the two Kingdomes might be brought to a neerer conjunction in forme of Church-Government, Directory, Confeſſion, and Catechiſme, and utter extirpation of Prelacie, the moſt effectuall and ready mean whereunto, is now conceived to be the ſtricter union and League between the Nations, and our aſſiſtance of England by an Army.*

And in the Letter from the Aſſembly of Divines by Order of the Houſe of Commons, they call it twice, *The Cauſe of Religion, thanketh us for our deſires of uniformity, and imports their laying out a Diſcipline moſt agreeable to Gods Word, moſt apt to preſerve the Peace of the Church at home, and neerer agreement with the Church of Scotland, and other Reformed Churches, that ſo to the utmoſt of their power, they may exalt him who is the onely Lord over his Church, his own Houſe, in all his offices, and preſent the Church as a chaſte Virgin unto Chriſt. They mention the Oath of Aſſembly concerning Diſcipline,* viz. *To maintain what they conceive moſt to the glory of God, and good and peace of his Church, and clears the freedom of Aſſembly to ſerve their conſciences.*

The Aſſemblies Anſwer to the Parliament deſires, that it may be more & more cleared, Religion to be the true ſtate of the differences in *Engl.* and to be unceſſantly proſecuted firſt and above all things, *Giving no ſleep to their eyes, nor ſlumber to their eye-lids,* untill it be ſetled; and twice or thrice mentioneth their three Motives, and three ends of Covenant, whereunto they deſired the Parliaments concurrence; and ſo they write to the King, and ſo in their Anſwer to the Aſſembly of Divines and Miniſters of England, both for Uniformity, and the Kings Authority.

MI - 1994

The fourth Paper delivered in to the Houſes of Parliament, by the Commiſſioners of *Scotland*:

Containing their Reaſons, Why the Reſult *of the Committee of both Kingdomes at* EDINBURGH, 28. Novemb. 1643. *is a* TREATY.

CONcerning the difference about the Treaty at *Edinburgh* 28 *November* 1643. for the better underſtanding of the whole buſineſſe, we ſhall ſpeake of theſe heads: Firſt, of the ſtate and condition of affaires before, and at the time of the making of this Treaty. Secondly, of the powers to make this Treaty. Thirdly, of the Treaty, and the conditions thereof. Fourthly, of the confirmation of this Treaty, and the performance thereof. And fifthly, we ſhall anſwer the Objections that are alledged why this is not a Treaty.

1. Concerning the ſtate of affaires before the making of the Treaty, it was this, The Kingdom of *Scotland*, according to an agreement made with the kingdom of *England*, the 4. of *Jan.* 1642. and the Treaty of the 6. of *Auguſt*, 1642. ſent over an Army into *Ulſter* in *Ireland*, for ſuppreſſing the Rebellion in that kingdom, where they had not long continued, but troubles did ariſe in this kingdome, upon the occaſion of the difference between the King and His Parliament; whereby the ſupplyes promiſed for entertainment of that Army were withdrawn for the maintenance of the war here, & the *Scottiſh* Army was driven to ſo great neceſſities, that hundreds of them were ſtarved for want of bread, as hath been formerly repreſented to the Houſes. About the month of *July*, 1643. the enemies power prevailing ſo farre in *England*; as they were poſſeſſed of the moſt part of the Kingdome, the Houſes of Parliament did reſolve, and accordingly ſent Commiſſioners into the Kingdome of *Scotland*, to Treat concerning the ſending of an Army into *England*, for aſſiſtance of their Brethren in *England*, as alſo to Treat concerning the *Scottiſh* Army in *Ireland*, gave them credentiall Letters to the Eſtates of *Scotland*, with ample power to negotiate, treat, and conclude, and deſired the kingdome of *Scotland* to give them full credit

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in what they ſhould propound. The *Engliſh* Commiſſioners, at firſt deſired the removall of the *Scottiſh* Army, becauſe the Houſes of Parliament had found themſelves unable to ſupport the charges of that warre: But not long after their arrivall, Generall Major *Monro* acquaints the Kingdome of *Scotland* with the ſtate of affaires in *Ireland*, ſends over the Letters directed to him from the Lord Lievtenant, and Lord Juſtice of *Ireland*, requiring him to agree to the Ceſſation, and declared his inability to reſiſt the *Engliſh* and *Iriſh*, joyned together, eſpecially when he wanted the meanes of ſubſiſtance.

Further, the *Scottiſh* Army ſends Commiſſioners into *Scotland* to repreſent their wants, the neceſſity of providing a ſpeedy ſupply of a conſiderable ſumme of Money and Victuals, for their preſent ſubſiſtance, without which they would be conſtrained to come away. And theſe ſupplies being granted, that as a neceſſary mean for proſecution of the Warre, the *Engliſh* Army having revolted from the Parliament, the *Britiſh* Forces (who except a very few, are all of the *Scottiſh* Nation) might be joyned with them under one command in cheife, for oppoſing the Ceſſation. Likewiſe many thouſands of the Inhabitants did petition the Eſtates of *Scotland* for the ſame purpoſe, and declared that they would be conſtrained to deſert the Country, if the *Scottiſh* Army were forced to remove: All which being communicated to the *Engliſh* Commiſſioners, they diſpatched away to the Houſes, and in the mean time wrote to Generall Major *Monro*, encouraging him to withſtand the Ceſſation, and ſhewing, that they were ſent from the Parliament of *England*, and had power to treat and conclude in ſuch things as concerned that Army, and to give good ſatisfaction to the deſires of their Commiſſioners ſent to the Conventions of Eſtates.

The Houſes of Parliament in *September*, 1643. being acquainted with the ſtate of Affaires in *Ireland*, findeth it neceſſary to continue the *Scottiſh* Army in *Ireland*, and in their inſtructions of the firſt of *November*, appoint their Commiſſioners to make known to their Brethren of *Scotland* the Votes of both Houſes, declaring the Ceſſation in *Ireland* deſtructive to the Proteſtant Religion, diſhonourable to the *Engliſh* Nation, and prejudiciall to the intereſt of the three Kingdomes; and further, appoint them to make known that it was the reſolution of both Houſes to oppoſe to the utmoſt the ſaid Ceſſation, and to encourage, ſo far as lyes in their power, all thoſe Forces *Scottiſh* and *Britiſh*, for the utter ſubduing of thoſe Re-

bels, and the preventing of ſetting up Popery in that Kingdome: and in particular for encouragement of the *Scottiſh* Army, that they will haſten away with all ſpeed the 6000.l. promiſed, the 10000. ſuits of cloathes, and other neceſſaries. Theſe directions being returned, and the Agents ſent from the Army, being ſenſible of the great ſtraits and imminent dangers the Army was in, do inſtantly preſſe a ſpeedy agreement to their demands, and preſent advance of a conſiderable ſumme of money and quantity of victuals, without which they will not undertake to ſtay. And having been diſappointed for 16. or 17. months together of any ſupply from *England*, they altogether decline to Treat with the *Engliſh* Commiſſioners, but will have the engagement of the Kingdom of *Scotland* for whatſoever is promiſed them. And upon the other part the *Engliſh* Commiſſioners will not treat with the Army, but with the Committee of Eſtates, & earneſtly preſſe their concurrence in giving ſatisfaction to the demands of the Army, and perſwading them to ſtay. Theſe who ſeriouſly conſidered the affaires of *Scotland*, how great an Army they were to ſend into *England*, and what danger the Kingdome, ſo much weakned of Forces, would be expoſed to (whereof ſince they have had ſad experience) did incline to the bringing of that Army out of *Ireland*, (ſome Garriſons excepted, according to the firſt deſires of the *Engliſh* Commiſſioners communicated to the States and Army) and ſo to make up a part of the Army to be ſent into *England*, which would leſſen the charge and expence of the Levy of the Foot by the halfe, and make us ſtronger at home for ſuppreſsing any inſurrection, and defending our ſelves from any invaſion that ſhould happen. Alſo the Army was more deſirous to come into *England*, where they had hopes of ſubſiſtance, then continue in *Ireland*, where they had experience of very great want. But when it was conſidered, that if *Scotland* did not preſently interpoſe for the pay of their Army, in all probabilitie, the Kingdome of *Ireland* would be reſigned into the hand of the rebels, and the remainder of the well affected in that kingdome expoſed to their cruelty. The Eſtates of *Scotland* being immediatly before joyned in Covenant for ſo good ends with their Brethren of *England*, and to drown their Peace in the ſea of *Englands* warre, reſolved to decline no hazard or danger whatſoever in proſecution of this cauſe. And (though then free) did engage themſelves for a preſent ſupply of money and victuals to enable the ſtay of that Army, till the Kingdome of *England* ſhall ſend further ſupplies for their ſubſiſtance.

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2. Concerning the powers for making of this Treaty, the Committee of Eſtates of *Scotland* had full and ample power to treat, agree, and conclude in all things concerning that Army: And that no doubt may remaine here, (if any be) it was the ſame Committee that did authorize the Covenant and Treaty for *England*, and had a generall power concerning the whole affaires of the kingdome.

As to the powers of the Commiſſioners for the Parliament of *England*, they had credentiall Letters, ſigned by the two Speakers, in the name of the two Houſes of Parliament: Which Letters ſay, That the Houſes had given their Commiſſioners ample power to negotiate, treat, and conclude; and doe deſire the Kingdome of *Scotland* to beleeve whatſoever they ſhould propound. And againe, the Houſes in their anſwer to the Kingdome of *Scotland*, ſent by Maſter *Meldrum* ſay, That they have enabled their Commiſſioners with ample inſtructions in their names to treat, agree, and conclude all Queſtions, Doubts, and Demands concerning the arreare and future pay of that Army, and the continuance or removall of the ſame. And (although we are not obliged to enquire after their particular inſtructions, when their power in generall is ſo ample) they have by their inſtructions expreſſe power for ſetling the accompts of that Army; concerning the proportion of the ſupplies to be ſent to them, and the time of payment is left to their judgement: Concerning the managing of the War in *Ireland*, they are expreſly authoriſed; preſently to ſettle the ſame to be done by the joynt advice of Committees of both Kingdomes, for preventing the evils and miſchiefes that elſe might fall out, and are onely to make knowne to the Houſes what they doe, which is required at the hands of all that are intruſted by any Prince or State, be their power never ſo great. And of this power the Commiſſi. of the Houſes did not make the ſtrict uſe, but agreed upon an alternative, leaving it to the election of the Houſes of Parliament which to chooſe, the ſtay of the Army in *Ireland*, upon performance of the conditions they were appointed to offer; or let the Army come from thence to be a part of the *Scottiſh* Army that was to be ſent into *England*. And what could the Kingdome of *Scotland* do more then this? What was their owne power to determine as they pleaſed for the intereſt and good of their owne affaires, they leave it to the determination of their Brethren to chooſe either of the two, as they thought moſt conduceable for the affaires of *England*.

3. As to the Treaty and conditions thereof, the Eſtates of the Kingdome

Kingdome of *Scotland*, and Commissioners of the Parliament of *England*, have taken into consideration the dangerous estate of the Affaires of *Ireland*, and the demands of the *Scottish* Army, to be forthwith transported out of *Ireland*, or otherwise, if they be desired to stay, that they may have a considerable supply of mony, and other necessaries presently furnished unto them, assurance given for their further pay, the *British* joyned with them, and a course settled for managing the War.

They agree upon 7. Articles, which may be drawne into three heads: First, that the Army shall stay in *Ireland* till the first of February, and to enable them, there shall be presently advanced by the Committee of Estates and the *English* Commissioners 10000. suits of clothes, 10000. paire of shooes, 10000. bolls of meale, and 10000. l. in mony, and the accompts of the Army shall be presently made up and concluded. 2. They agree upon an alternative, That betwixt and the first of February, 50000. l. shall be really payed and delivered to the Army, that assurance and security shall be given for their future monthly pay, That he who commands in cheife over the *Scottish* Army, by joynt advice of both kingdomes, shall command the rest of the British Forces in *Ireland*, and that the War shall be managed by the joynt advice of Committees of both Kingdomes: and in this case the Army shall be obliged to stay, but in case these conditions shall not be really performed, that then the Army shall be transported upon the Parliament of *Englands* charge to such parts of *England* as they shall receive orders for from the Generall of the *Scottish* Army, and shall be maintained according to the same establishment as shall be appointed for the *Scottish* Army, and the Parliament of *England* to stand still obliged for their whole arrears, according to the Treaty of the 6. of August.

It was agreed, that whether they stay in *Ireland*, or come from thence, 5000. Arms shall be sent unto them.

The first and last of these are agreed upon without any reservation, and the second is agreed on by way of alternative, leaving it to the election of the Parliament of *England*, which they should thinke fit to choose, yet so as by this Treaty they are positively obliged to the performance of one of the two, wherein the words of the Treaty are very emphatick, when, upon a narrative of the former extremities of the Army, it sayes, *It is therefore now agreed, &c.* The conditions are mutuall, the kingdom of *Scotland* perswades the Army to stay upon such and such conditions, whom they might have made

made uſe of for their own ſervice; and further, they become ſurety for England, that theſe conditions ſhall be performed. The Army thereupon ingage themſelves, and according to the cuſtome obſerved in that kingdome in the like caſes, enact themſelves to ſtay according to the conditions and termes agreed upon, and a copie of the Act was delivered to the Engliſh Commiſſioners upon the other part, as was demanded by the Army, and offered by the Houſes of Parliament: the kingdome of Scotland is intereſſed in the managing of the War during the ſtay of their Army, and ſuch courſe is ſetled as may enable them to proſecute the War according to the Covenant. This is all the new obligation on Englands part: as for the ſupplies of monies and other neceſſaries in this particular, the agreement is made much for Englands advantage; for, whereas they were obliged by a former Treaty for preſent payment of the whole arreares, the Army is perſwaded for the preſent to accept of the fifth or ſixth part of their arreares, and that not to be paid till two moneths after the Treaty. This is the ſumme of the agreement wherein Scotland, formerly bound by no ſuch condition either to England or to the Army, now ingage themſelves to both and for both, upon conditions reciprocally to be performed by the kingdome of England: Here is a *quid pro quo*, and what thing eſſentiall to a Treaty is deficient, *Obligatio oritur ex contractu, vel quaſi, contractus ex conſenſu reliteris, verbis*, and all theſe are here, nay, what formality is wanting, for this Treaty is ſigned by the Clerks of both kingdoms, and ratified by the Parliaments of both reſpectively: It hath all the names that can be deſired; for, it is called by the Houſes a Reſult, an Agreement, a Treaty, a Tranſaction betweene the kingdomes: and if there were any formality wanting, whereunto we did not look ſo narrowly, nor ſtand upon, after ſuch a Covenant, and our ingagements to ſtand and fall with this kingdome; the leſſe ceremony in ſuch an exigent there was the more confidence, and conſequently, there ought to be the ſtricter performance, *ubi major fides, ibi ſtrictior obſervantia*: and it is to be conſidered, that in Treaties between Nations, formalities are different; and as there is no law of Nations concerning formalities and circumſtances of Treaties, ſo there is no agreement or conſtant practice about them between thoſe kingdomes in particular.

4. Before we ſpeak of the confirmation and performance of this Treaty, we ſhall premiſe two things: Firſt, that Propoſitions were framed by the Committee of Eſtates of Scotland and the Commiſ-

 ſioners

ſioners of both Houſes, the 25. *Auguſt* 1643. concerning the ſending of an Army into England; in the preamble of which, it is expreſly ſet down, that theſe Propoſitions were to be certified with all convenient ſpeed to the two Houſes of the Parlament of England, and the Convention of Eſtates of Scotland, to be reſpectively taken into their conſiderations, and proceeded with as they ſhall finde cauſe; which expreſſions are not ſet down in the preamble of theſe Articles of the 28. November, 1643. Onely becauſe there is an alternative in the Treaty, therefore they are to be preſented to the Houſes, who had power to make choice of the ſtay of the Army, or of their removall at the firſt of Februarie, according to the reſpective conditions mentioned in the Treaty, but are poſitively obliged to the Election of one of two, as may appeare by theſe words, (*It is agreed, and it is now agreed*) prefixed to the ſeverall articles; which is not done in the propoſitions of the 25. of Auguſt. Secondly, that upon the 22. of Januarie 1642. the Commiſſioners of the Kingdome of Scotland then reſiding here, having received a Propoſition from the Committee of both Houſes for tranſporting to Ireland 2500. men then on foot in Scotland, declared they had no inſtructions ſo to doe till the cloſure of the Treaty, but were content to offer ſome Propoſitions to the Houſes of Parliament, which being granted, they would repreſent the deſires of the Houſes to the Councell of Scotland, and upon the 24. of Jannary, theſe Propoſitions being preſented to the Houſes, they did agree unto them, and upon the 26, and 27. of January, they were approved by his Majeſty: theſe were only propoſitions, and propoſitions to be preſented to the Councell of Scotland, yet after they were conſented unto by the Councell of Scotland, it was an obligatorie agreement between the Kingdoms. We now come to the confirmation of this Treatie, which being agreed upon at Edenburgh, and ſigned by the Clerks of the Committees of both Kingdomes; the Engliſh Commiſſioners upon the 30. of November, diſpatch away the ſame to the Houſes, with a Letter, wherein they ſhew the dangerous eſtate of Ireland, and that in caſe of the coming away of the Scottiſh Army, that Kingdom would be reſigned up into the hands of the Rebells, that the Parliament had enabled them to promiſe, but not to performe, or words to that ſenſe: and the Committee of the Eſtates of Scotland gave inſtructions to their Commiſſioners, about that time repairing to London, to deſire the Parliament of England, to confirme that Treaty, and ſpeedily to performe the conditions therein agreed upon; and accordingly

cordingly the Commiſſioners of Scotland, ſo ſoon as they come to London, and a Committee was appointed by the Houſes to treat with them, gave in a paper upon the 17 of Februarie, to be preſented to the Houſes for that purpoſe; and upon the 9 of March, both Houſes confirmed the 1, 2, 4, 6, and 7 Articles, whereof that of the managing of the War is one, and in ratifying of the 6 Article, the Houſes do expreſſely call it a Treatie. Further, the Houſes in anſwer to the Paper of the Commiſſioners of the Kingdome of Scotland, appoint the Committees of both Houſes, to deliver theſe Votes of the ninth March, as their conſent to the 1, 2, 4, 6, and 7 Articles of the Reſult of the Committees of both Kingdomes, which was done accordingly. Concerning the 3, and 5 Articles, they returne this Anſwer, That the extremities and wants of this Kingdome were ſo great, as though they uſed their endeavours to provide, that 10000.l. preſent, and 50000.l. in Februarie, yet it was not come in, but they hoped within ſome ſhort time to do it. And becauſe in this caſe the Scottiſh Army was not obliged to ſtay, as is agreed upon expreſly in the 5 Article: for preventing their coming away; the Houſes do deſire the Kingdome of Scotland to co-operate with them ſo far as lyeth in their power, to keep the ſaid Army in Ireland, for the proſecution of the war againſt the bloudy Rebels: And do promiſe, That ſo far as is poſſible for the Parliament of England to do for the ſpeedy providing of the 60000.l. and ſetling of a courſe for their future pay, they will apply themſelves thereunto with all readineſſe and care: in the meane time the 50000.l. not being payd to the Army at Februarie, according to the agreement, the Army gathers together the Ships and Barks in thoſe parts, preſently to tranſport themſelves; and before it was poſſible for the Kingdom of Scotland to give any ſtop, three of the Regiments landed in Scotland, in a verie mutinous poſture, with intention to levie moneys upon the Kingdome of Scotland for payment of their Arreares. And on the other hand there were great grievances amongſt the people, by reaſon of the great taxes and burthens laid upon them, for raiſing and maintaining the Army ſent into England, and for releeſe of the Army in Ireland, and particularly by reaſon of the Exciſe, which being a thing which wanted the practice of former times, and only for the maintenance of Armies in other Kingdoms, occaſioned no ſmall diſturbanee amongſt the people, as the Commiſſioners of the Parliament can beare witneſſe. But notwithſtanding all theſe difficulties (whereof we hope

the honorable Houſes will never be forgetfull) the Eſtates of Scotland being verie deſirous, ſo far as was in their power, to co-operate with the Parliament of England for the ſtay of that Army, forthwith gave power to their Committees (a thing very unuſuall in that Kingdome, even in the greateſt exigents) to call before them all perſons that were able of themſelves, or by their credit, to lend or raiſe monies, and to require and ordaine them to lend or give ſecuritie for ſuch ſummes of money as they conceived to be proportionable to their eſtates. And with power to theſe Committees, in caſe of refuſall, to take ſuch courſe with them, as in ſo urgent a neceſſity they ſhould thinke fit, to make them advance monies, as is before expreſſed. And by this meanes a conſiderable proportion of monies and proviſion was forthwith ſent to Ireland to move them to ſtay, which they did accordingly. About the beginning of Aprill, by the report of Maſter *Traile*, and Letters from Scotland, theſe things were made knowne to the Houſes, and that the Army had thereupon condeſcended to ſtay, notwithſtanding they had received no ſupply from England for 20. months together. This was alſo recapitulated in a Paper of the 3. of Aprill, by the Commiſſioners of Scotland, who upon theſe conſiderations, preſſe the further reſolution of the Houſes about the 3. and 5. Articles of the Reſult of the 28. of November, ſhewing, that they had no power to do any more, or otherwiſe then was therein agreed: and withall deſiring the Houſes, in caſe any emergent neceſſity of buſineſſe here ſhould interrupt the accompliſhment thereof, to declare the reſolution according to the 5. Article of the Reſult, and in a Paper of the 6. of Aprill, the Commiſſioners of the Kingdom of Scotland do poſitively deſire the Houſes to take into conſideration the preſent ſupply and future ſubſtance of that Army, or of tranſporting and diſpoſing of them otherwiſe to the good of both Kingdomes, and of giving their laſt reſolution, concerning the one or the other, to the Convention of Eſtates, and to the Army, now after foure moneths attendance upon their anſwer, ſince the conditions were agreed upon at Edinburgh, whereupon the Houſes on the 11. of April, reſolve and promiſe, That by the 15. of May, 30000. l. ſhould be provided, and the Remainder thereof by the laſt of June: and ſay it is that whereupon the Army may depend, and for the future maintenance of the Scottiſh and Britiſh Forces, that 40000. l. ſhould be payed monethly to the Scottiſh Army, and the like ſumme monethly to the Britiſh Forces, and the ſuperpluſage due to the Scottiſh Forces

according

acording to the Treaty over and above the ſaid 4000.l. monethly, to be ſecured to them upon the publike Faith. Concerning the Commander in chiefe they declare that the Earl of *Leven* is Commander in chiefe of the Britiſh, as well as Scots, according to the 4. Article of the Reſult of the Committees of both Kingdomes, paſſed both Houſes, which they mention in theſe Votes, as the ground obliging them in that particular, and deſire his Excellency to appoint a Commander in chiefe in his abſence; and for the managing of the warre, they reſolve that Committees be nominated, and appointed by the joynt advice of both Kingdomes, to reſide on the place for regulation of theſe Forces, and better carrying on of that Warre.

Further upon the 25. of May, the honourable Houſes of Parliament wrote a Letter to the Parliament of Scotland, acquainting them that they had ratified and confirmed the ſeverall Treaties made and agreed between thei: Commiſſioners and the Eſtates of Scotland, and it is their deſire the ſame may be done by the Parliament of Scotland. Alſo they profeſſe themſelves very ſenſible of the great wants and extremities which the Scottiſh Army in Ireland hath born with much patience, occaſioned by the manifold diſtractions and great neceſſities of this Kingdome and doe returne their hearty thanks to the Kingdome of Scotland, for their care of that Army, and the great charge they have been at for their relief, with proviſions and money for their neceſſarie ſubſiſtance: They likewiſe in that Letter make knowne what they have done in purſuance of their reſolutions of the 11. of Aprill, and promiſe performance of the reſt according to the ſaid reſolutions; by all which it is moſt cleare and evident, that the Houſes did chooſe the firſt part of the alternative concerning the ſtay of the Army, whereas if they had ſeaſonably choſen the laſt part concerning their tranſport, the Kingdom of Scotland had been free of a great burthen of entertaining that Army in Ireland, and needed not to have been at the charge of raiſing ſo many foot to bring into England. We come now to anſwer the objection, which, as at the debate, we deſired to know, if we repeated them faithfully; ſo if there be any miſtake now we ſhall upon information be ready to rectifie the ſame.

It is objected from the preamble of this Treatie, that theſe were only Propoſitions to be preſented to the Houſes, and ſo only preparatorie for their reſolution, without any obligation of a Treaty.

To which we anſwer, That the reaſon of this, was becauſe the

Treatie consisted of an alternative, and it was left to the Houses to choose the one part of the alternative or the other, with the conditions therein expressed, but in all other things the Treatie was then fully agreed upon, as may appear by comparing them with the propositions of the 25 of August; in the preamble of which it is clearly expressed, that the Parliament of England, or convention of Estates, may alter or change them as they shall find cause; but there is no such expression in the Preamble of these, only it is said they were agreed upon to be presented to the Houses; and these not as naked propositions, but as particulars already agreed to by their Commissioners, as is prefixed to the Articles, to the end they might be confirmed: Only this was left free, that the Houses might make election of one part of the alternative: And that it is not also to be presented to the convention of Estates or Parliament of Scotland, is as clear, for that the Committee of Estates did not reserve a power to determine concerning the stay or removall of the Army, but left the same to the Houses of Parliament, upon the conditions expressed in the agreement, and therefore did finally conclude for their part upon the whole, the exigent being such as would not admit of a delay till the meeting of the Parliament in May following, because things were presently to be performed in matter of supply and accompts, to perswade the stay of the Army till the first of Februarie: And there was also a necessitie of giving satisfaction to the Army presently, what should be their conditions, if they should be desired to stay after the first of Februarie, and what should be their conditions if they came away, which were then agreed upon by both Kingdoms: Only concerning the alternative there was no determination for the present on Englands part, it being at the desire of the Commissioners left to the election of the Houses. And whereas it was affirmed that these Articles were not obligatorie, we leave it to the Houses and all understanding men to judge, whether this could have given any satisfaction to the Army to stay, or the Kingdome of Scotland to engage, if it had been then said unto them by the Commissioners of the Parliament of England, We will make an agreement with you, but it must not be obligatorie, but alterable at the pleasure of the Parliament of England. But for a further answer, consider the propositions of the 24 of January 1642. these were only propositions, & propositions to be presented to the Councell of Scotland alone, the Houses having already agreed, and the Commissioners of Scotland having declared they had no power in that particular,

particular, yet wee beleeve there is none will say, that after the Councell of Scotland, had also agreed to these propositions, notwithstanding their consent, they were not obliged to send the 2500. men into Ireland; or when Scotland had performed their part, that the Kingdome of England was not obliged to performe the conditions agreed unto on their part, but might alter them at their pleasure: And how much more ought this agreement to be observed where nothing essentiall to a Treaty, nor any necessarie formality is wanting, seeing also the Propositions of the 25. of August, that were unquestionably alterable by the Houses, are after confirmation esteemed a Treatie obligatorie, and not alterable at pleasure of one of the parties, which wee conceive to be essentiall to all Treaties made between Nations, or contracts between persons, &c. they being *primo libertatis, sed postea necessitatis* ... before consent, but not after: neither can it make any materiall difference, that the Propositions of the 25. of August, were afterward signed by the Commissioners of both Kingdomes, the authoritie being all one whether they bee subscribed by Commissioners or Clerks of the Parliament of both Kingdomes: for the agreement the 24 of Januarie, 1642. and the Treaty concerning the sending the Scottish Army into Ireland, 6. August, 1642. are onely signed by the Clerks of the two Parliaments respectively.

But sayes the opponent, It is acknowledged to be a Treaty betweene the Kingdomes, and to be an agreement between the Kingdoms, but not a Treaty with such and such formalities: it is a Treaty in one sense, but not in such a sense as the other Treaties; they are obligatorie, and this is not.

This seemes to us verie strange Doctrine, since there is no law of Nations nor constant practise or custome between these Kingdoms, concerning the formalities of a Treaty: we never understood such a distinction of Treaties and agreement between Kingdoms before, as some obligatorie and some not; and to tell us now, and never till now, two years and a half after the agreement, and after Scotland hath performed their part of it, that this is not a Treaty in that sense that other Treaties are; whatsoever be the mindes of private persons, we trust it will be verie farre from the Honourable Houses of Parliament to approve of such a distinction: And however it may relish with some now, it would have been verie evill Rhetorick the 28, of November, 1643. to perswade the Scots Army to stay in Ireland, or the Kingdom of Scotland to engage for their intertainment,

to

to ſay in plaine Engliſh, there are divers ſenſes and divers natures of Treaties; ſome that are not, and ſome that are alterable at pleaſure of one of the parties, and that after their owne confirmation and performance made by the other party.

2. Another Objection was, That they are of the nature of Ordinances, and containe nothing which may imply the conſtruction of a Treaty.

To which we anſwer, 1. That the Votes of the 9. of March, were delivered unto us by the appointment of both Houſes, as their conſent to the Articles of the Reſult and Treaty of the Committee of both kingdomes, 28. of November, 1643. and the kingdom of Scotland is thereupon deſired by the Houſes to co-operate with them ſo farre as was in their power, for ſtay of that Army in Ireland. 2. Theſe Articles are ratified as things paſt of the ſame date. 3. The Committee of the Eſtates of Scotland are therin made undertakers and advancers of monies and proviſions, who can no way come under the power of an Ordinance of the Houſes of Parliament. 4. The Votes of the 11. of April do mention the Reſult of the 28. of November, paſſed both Houſes as the foundation and obligation upon which they are grounded; and ſuppoſe it were an Ordinance, it being made to ſatisfie another Nation ingaged in an agreement at their deſire, and to anſwer the demands of an Army of Strangers, whom they had taken on in their ſervice, and for 20. moneths together left deſtitute of all manner of ſupply, we hope the Houſes will not judge ſuch an Ordinance alterable at pleaſure. 5. We have no other confirmation of the Propoſitions of the 24. of January, nor of the Treaty of the 6. of Auguſt, but the Votes of the Houſes in the ſame manner.

3. It was objected, That in the Propoſitions of Peace formerly agreed on, all the Treaties are enumerated together, and deſired to be confirmed, and this Treaty is not there enumerated, but is named as an Ordinance.

We anſwer, That at the framing of the Propoſitions it was conceived inconvenient to preſent that whole Treaty to the King, becauſe it would lay open too much to our enemies the wants and diſtreſſes of that Army, and in particular it was conceived not neceſſary to deſire ratification to that part which looked to the time paſt, but onely what related to the future, which was mainly the Article concerning the Command in chief, and managing of the War. And it being agreed upon in the 17. Propoſition, that the *Militia* of the

kingdomes

kingdomes ſhould be ſettled in Commiſſioners of both kingdomes, and that, as a ioynt Committee, they ſhould have power to order the war of *Ireland*, according to the Ordinance of the 11. of April, (which is found upon the reſult of the 28. of November, as is therein expreſſed.) And further, to order the *Militia*, and conſerve the peace of the kingdome of *Ireland*, this was judged equivalent to the enumeration of it, amongſt the other Treaties, and carried this further advantage with it, that it did avoid the inconveniences afore-mentioned. This was the true reaſon of the omitting of it in that place, and provided that the 17. Propoſition may ſtand as formerly, we ſhall not deſire this Treaty to be expreſſed any other waies, or in any other place: And why any miſtake of expreſſion in us, who did not then make ſuch a difference (as now we have cauſe to doe) betwixt a Treaty and an Ordinance, or Votes reciting the ſubſtance thereof, and in the body of it mentioning the Treaty as the obligation on which it was founded, ſhould be urged as an argument to prove this no Treaty, we cannot underſtand, ſith the Houſes of Parliament do alledge, that they are not only not obliged to expreſſions made in theſe Propoſitions, but alſo may, and have changed the moſt materiall things in theſe Propoſitions. Certainly, if one of the kingdomes be not obliged to the matter or forme of theſe Propoſitions, the other is not. But it may ſufficiently appeare to the Honourable Houſes, that we have no other thoughts now then we had then; and, ſo far as we know, was then alſo the mind of the Houſes themſelves: We deſire that our Paper of the 28. of October, 1644. may be peruſed, which was deliverd into the Houſes immediately upon the concluding of the Propoſitions, and before they were ſent to *Oxford*, wherein we deſire, that according to the 6 Article of the Treaty at *Edinburgh*, 28. November, 1643. confirmed by the houſe in their Votes of the 9. of March, there be ſent over to *Carickfergus* 5000. Armes, for the uſe of the Scottiſh Army; and in anſwer thereunto, the Houſe of Commons do call it, The Treaty at *Edenburgh*, 28. of November, ſince confirmed by the Houſes in their Votes of the 9. of March, and upon that reference the Committee of both Houſes having conferred with us, and reported their opinions, both Houſes gave order for furniſhing of thoſe Armies accordingly.

4. Objection was, That the kingdome of *Scotland* did call from *Ireland* ſome of that Army for their owne aſſiſtance.

To this we anſwer, 1. That when the Houſes of Parliament de-

ſired the kingdome of *Scotland* to ſend an Army into *England* for their aſſiſtance, their Commiſſioners gave in a Paper to the Convention of Eſtates in theſe words, [*And for the better encouragement of the Kingdom of* Scotland *to this neceſſary & ſo much deſired Union, we are by both Houſes of Parl. authoriſed to aſſure their Brethren, That if they ſhal be annoyed or endangered by any Force or Army, either from* England, *or from any other place, the Lords and Commons in* Engl. *will aſſiſt them with a proportionable ſtrength of Horſe and Foot, to what their Brethren ſhall now afford them to be ſent into* Scotland, *for the defence of that Kingdom & they will maintain a guard of Ships at their owne charge upon the coaſts of* Scotland, *for the ſecuring of that Kingdom from the invaſion of the* Iriſh *Rebels, or other enemies, during ſuch time as the Scottiſh Army ſhall be imployed in the defence of the Kingdome of* England.] And though this was particularly agreed upon by Treaty, yet it is well known to the Houſes of Parliament, that this was not performed; which conſidered, we truſt they wil have a good conſtruction of the calling away a ſmall number from that Army for their own neceſſary defence againſt a far greater number of *Iriſh* Rebels.

2. It is provided by the large Treaty between the kingdoms, that *in caſe any Armies be levied, or neighbours wronged,* (as the kingdom of *Scotl.* was in a great meaſure, by thoſe barbarous *Iriſh* ſubjects of the Crowne of *England,*) *The Eſtates of the Country by which it was don, are obliged to purſue, take, and puniſh the offenders with all rigour. And in caſe any the Subjects of any of the kingdoms ſhall riſe in Armes, or make War againſt the Kingdom or Subjects thereof, without conſent of the Parliament of that Kingdom whereof they are Subjects, or upon which they depend,* (which is expreſſed, becauſe of *Irelands* dependance on *England*, under the which it is agreed in that Treaty to be comprehended in all the Articles thereof) *that they ſhall be held and demaind as Traitors to the Eſtate whereof they are Subjects; and that State or Kingdom is bound, and gives their publicke Faith to concurre with the other to repreſſe them*: And if *England* was bound to ſend Forces for ſuppreſſing the Rebells, we might with far greater reaſon recall ſome of our owne Forces to oppoſe thoſe very enemies, whom they were ſent into *Ireland* to purſue.

3. They were uſeleſſe in *Ireland*, by reaſon ſupplies were not ſent them according to the Treaty, to enable them for ſervice there, and were better employed in delivering *Scotland* from thoſe who had invaded that kingdom, for no other quarrell but for the aſſiſtance ſent unto *England*, and in preventing an invaſion of *England*, which the late

late Earle of *Montroſe* and the *Iriſh* Rebels profeſſed and declared to be their main intention and deſign.

A 5. Object. was, *That the Committee of both Houſes were appointed to Treat with the* Scottiſh *Commiſſioners here, about the aſcertaining the entertainment of the* Scottiſh *Army in* England; *this was a Treaty, but what was done by the Committee of both Houſes was not obligatory.* We anſwer, That the Committee of both Houſes had no power to treat, agree, and conclude, but only to treat & report; yea, they were expreſly limited not to make a Reſult, but appointed to report their opinions, with the reaſons of the *Scottiſh* Commiſſioners apart: and where there is no power to make a Reſult, certainly there can be no Treaty; alſo the caſe is wholly different, as may be made eaſily appeare, but becauſe this argument was not inſiſted upon, we ſhall not inſiſt on the anſwering of it.

A 6. Objection was, *That the Houſes did delay the Ratification of the 3. and 5. Articles, and when they gave their reſolution upon them, they varied the dayes for payment of the monies, and did not ratifie the 5. Article, as it was preſented.*

We cannot ſee where the ſtrength of this argumrnt lyeth, unleſſe it be to commend the readineſſe of the kingdome of *Scotland*, who in the interim furniſhed monies and proviſions to that Army; and the patience of the Army, who notwithſtanding all their former ſufferings, did wait for theſe ſupplies ſo long after the time agreed upon in the Treaty. Concerning the not ratifying of the 5. Article, as it was preſented, we are forced again to remember that which ſeems to be forgotten all along the debate, That there is an alternative in the 5. Article, and the Houſes could not ratifie both parts of the alternative, which are directly oppoſite, whereof the one doth concern their ſtay, the other their removall.

A 7. Objection was, *That there was no ſtipulation on* Scotlands *part, for by the Treaty the 6. of Auguſt, the* Scottiſh *Army was obliged to ſtay in* Ireland, *and if the conditions be not mutuall, and ſtipulatory, the whole foundation of this Treaty is taken away.*

For anſwer, We deſire it may be conſidered, that the Army, according to the Treaty, was to be monthly payed, and they were not obliged to ſtay till they were ſtarved, though ſuch were the patience of many of them. But which removes it beyond all exception or ſcruple, the Army had then, for about 16. moneths received no ſupplies from *England*, (which we beleeve no age can parallel) and

the Parliament of *England*, according to their inſtructions in July, 1633. had declared, their owne troubles did ſo increaſe, that they were not able to maintain them; and therefore deſired the Eſtates of *Scotland* to withdraw them from *Ireland*, except a few to be left for Garriſons, and offered all meanes in the power of the Houſes for ſatisfying their Arrears, according to the Treaty the 6. of Auguſt. Now being thus diſ-engaged by the Parl. of *England* in Auguſt, and the Army willing thereupon to come away, they were not obliged to ſtay, when afterwards, upon notice of the Revolt of the Parliaments Forces, and making a Ceſſation with the *Iriſh* Rebels, their ſtay was found neceſſary, and deſired by *England:* Neither was the Kingdome of *Scotland* at all obliged to entertain that Army, nor to ſend them ſupplyes, as they did engage themſelves to doe by this ſecond Treaty, at the deſire of the Parliament of *England*.

It was laſtly objected, That theſe Articles were of a diverſe nature, ſix of them are obligatory, as being grounded upon the Treaty of the 6. of Auguſt, but that concerning the managing of the war is of another nature, having no *quid pro quo*, neither was it the cauſe of the ſtay of the Army, and therefore not obligatorie; and though the whole Articles were obligatory, yet the kingdome of *England*, failing in performance to *Scotland*, the kingdome of *Scotland* was free to break on the other ſide, and there is an end of the Treaty.

This of all the other appeares to be moſt ſtrange, for it makes no difference between a Treaty and common diſcourſe; if one kingdome break to another, ſuppoſe it were in the leaſt circumſtance, the other kingdome is by this tenet ſet at liberty to break in the whole, and ſo the Treaty to be for ever diſſolved, as if it had never been. To this we ſhall anſwer no further, but that this argument makes a Treaty (which is a thing moſt ſacred and inviolably to be kept between kingdoms) to be of ſuch a nature as either kingdome may diſſolve it at pleaſure, without any reparation to be had, or account to be ſought by the other: and conſequently, there is not, nor cannot be any obligatory treaty between kingdomes. To the firſt part of the Argument, that ſix of the Articles are obligatory, and one is not: We anſwer, that by the Treaty of the 6. of Auguſt, the Parliament of *England* was obliged to pay the whole arrears of the Army, extending then to above three hundreth thouſand pounds ſterling, as may appeare by the accompts ſigned, and concluded by the *Engliſh*

gliſh Commiſſioners immediately after this Treaty, 28. November, 1643. And in this new Treaty the Army was content for that preſent to accept of the fifth or ſixth of their arreares: and becauſe they had been ſo often diſappointed of what was promiſed them, they demanded this further ſecuritie, That the kingdome of *Scotland* might be ſuretie for *Englands* performance, which they had not in the Treaty of the 6. of Auguſt, ſome of theſe Articles are not at all mentioned in the Treaty of the 6. of Auguſt, as the 6. and 7. Articles, and the reſt, though they may have the ſame matter with ſome Articles of the Treaty of the 6. of Auguſt, yet are they agreed upon in a different manner: And that it may appeare that the fourth Article of this Treaty concerning the Command in chiefe, and managing of the War, is not altogether new, as this Objection ſeems to hold forth, wee deſire it may be remembred, that in the third Article of the Propoſitions of the 24. of January, 1642, it is agreed, That if it ſhall be thought fit that any Regiments or Troups of *Ulſter* ſhall joyne with the *Scots* Forces, that they ſhall receive Orders from the Commander of the *Scottiſh* Forces, and in the ninth Article of the Treaty of the 6. of Auguſt, it is agreed, that the inhabitants of all Towns and Villages in *Ireland*, where the *Scottiſh* Army ſhall be, the Country people ſhall riſe and concurre with them, when the Commanders of the *Scottiſh* Army ſhall thinke fit for the ſervice, and ſhall receive orders and directions from them, and in the 10. Article of that Treaty, if the *Scottiſh* Army ſhall joyne with any other Forces in *Ireland*, The Generall of the *Scottiſh* Army, ſhall onely cede to the Kings Lieutenant, his Deputy, or any other who ſhall have the chiefe government of that kingdome, derived from the Crown of *England*, and otherwiſe, the Generall of the *Scottiſh* Army is to precede, and have the Command of all others: and when this Treaty was made, there was no other mean left for preſerving that kingdome from utter ruine, but to joyn with the *Scottiſh* and *Britiſh* Forces under one command for oppoſing the Ceſſation. And it is to be conſidered, that whereas by the tenth Article of the Treaty 6. of *Auguſt*, the proſecution of the Warre of *Ireland* by the *Scottiſh* Army, is left to the judgement of the Commanders of the *Scottiſh* Army, as they ſhall think moſt expedient for the honour of the King, and Crown of *England*, and onely in the caſe of conjunction with the Kings Lieutenant, or Deputy by authority from the Crown of *England*, they are to receive inſtructions from them

them in an honourable way, to whom he is only to cede, and to precede all others. By this new Treaty, the Commanders of the *Scotiſh* Army, ſubject themſelves to the orders and directions of a Committee of both kingdomes, whereby their power is ſo farre diminiſhed and limited which it was not before. Alſo this is only to continue during the warre, and is at an end, how ſoon a peace is ſettled, or that the *Scottiſh* Army ſhall be ſatisfied and diſmiſſed, whereof we ſhall be heartily content. Whereas it is ſaid, there is not a *quid pro quo*, that hath beene anſwered formerly, the ſtay of an Army after it hath been ſtarved 16. moneths to ſave a Kingdome, is a *quid pro quo*, the Kingdome of *Scotland*, their ſending ſupplyes to that Army, is a *quid pro quo*, and for that which is ſaid, that in the 5. Article it is expreſſed, that in caſe the 50000. l. be not paid in *February*, the Army would not ſtay. And therefore, the condition of the money was the cauſe of their ſtay, and not the condition for the managing of the warre: It is no conſequence, for it was expreſly demanded by the Army, and they would not ſtay ſo much, as to the firſt of *February*, without the conjunction of the *Britiſh* Forces, in manner aforeſaid, becauſe of the ſtrength of the enemy, and therefore it was expreſly agreed upon in the 4. Article: And that their ſtay is mainly pitched upon the payment of the money, the reaſon is cleare, becauſe the mean of their ſubſiſtance is the primarie condition, and neceſſarily preſuppoſed, as the cauſe *ſine quo non*, to which the conjunction of the Forces and managing of the warre is but ſecondary, and without it altogether unprofitable. And to conclude the whole debate, we deſire it may be obſerved, that whereas by the Votes of the Houſes it was appointed, that the Committee of both Houſes ſhall make it appeare to us, that the tranſactions at *Edinburgh* 28. *November* 1643. was no Treaty: It was acknowledged in the debates on Saturday, the 28. of *March* laſt, that theſe tranſactions were an agreement between the kingdoms, and a Treaty between the kingdoms, but not a Treaty in ſuch a ſenſe as other Treaties that are obligatorie: and in the debates on Monday following, it was acknowledged to be obligatory in ſome, but not in all the Articles thereof. To which we make this anſwer, That the Commiſſioners of the Houſes of Parliament, had a generall power to treat, agree, and conclude, and in their Credentiall Letters given by the Houſes to their Commiſſioners, there is no ſuch diſtinction. 2. When the *Engliſh* Commiſſioners agree with the Eſtates of *Scotland*, they make no ſuch diſtinction, nor is there

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any ſuch diſtinction of diverſe natures or ſenſes in the Articles, as they are ſet down and agreed on, nor can they admit of any other interpretation then is expreſſed in the Articles themſelves. 3. There is no ſuch diſtinction made when theſe Articles are ratified and confirmed by the Houſes: Had any ſuch diſtinction been made known before the agreement, the time of the agreement, or the time of the confirmation (which without the cleare expreſſion of it, could never be apprehended by the kingdome of *Scotland*) there had been ſome colour for ſuch an objection: but the Articles being agreed on by commiſſioners, having full and ample power, the agreement being granted upon demands of an Army, left at liberty to come away, and upon the offers and promiſes of the Houſes, there being mutuall conditions between the two kingdomes, and conditions being performed on *Scotlands* part, being ratified by the Houſes, called by them, an Agreement, a Treatie, an Aſſurance, that upon which the Army might depend, and the Votes of the Houſes delivered to us, as their conſent to the Treatie; The Kingdome of *Scotland* being thereupon deſired by the Houſes to co-operate for the ſtay of the Army, and a Letter being written from the Houſes to the Parliament of *Scotland*, acquainting them, that they had ratified the ſeverall Treaties between the kingdoms, we having ſtill demanded the performance of it, as a Treaty confirmed by the Houſes, and no exception made, but ſtill acknowledged as a Treaty till now. Upon theſe conſiderations we are confident the Honourable Houſes will never denie it to be a Treaty, wherein we are the more confirmed, that the Committee of both Houſes, having taken a day to anſwer our arguments, and after that another, made no reply, we having alſo at the cloſe of the debate offered to their Lordſhips, That if they had any further ſcruples or doubts, we were ready and confident to give them ſatisfaction, and withall deſired, that if any other papers were made uſe of, concerning this buſineſſe then we had ſeene, they might be communicated unto us, that nothing might be wanting which might give the Honourable Houſes full ſatisfaction.

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UMI - 1994

UMI - 1